20

99456
4668
JCH (41)

(8)

China

July 6th 1861.

~~December 1st~~ ~~November 24th~~ 1865

Nº 1 to Nº ~~116~~ 121

Nº 1 to Nº ~~19~~ 46

~~July 31st 1865.~~

~~December 26th~~

Nov 15. 1866. Nº 46

Oct 13. 1866 Nº 121

Burlingame

Recd 26 July

No 2

Paris July 6th 1861

Sir

I have the honor to acknowledge the receipt of your letter under date of June 17th 1861 and in reply I beg leave to inform you that I accept the appointment which the President has been pleased to confer upon me. I shall await commission and instructions at this place and upon the receipt of them shall proceed at once to my post.

I am Sir Respectfully
Your Obedient Servant
A Bunlingame

Hon William H. Seward
Sec'y of State

No. 1. Rec'd 27th Sept.

Marseilles Sept 18th 1861

Sir

I have the honor to inform you that I received my Commission and instructions from the hands of Mr Porter, our Consul to Tripoli, on the twentieth of August last. I proceeded at once to London, for my outfit, and secured my passage for Hong Kong China, by the first Steamer, which left Southampton Sept. fourth. I meet it at Marseilles and shall leave in the morning. I shall reach Hong-Kong in about fifty days and Pekin about four weeks later. I did not draw on the Bureau for my salary, on my Austrian letter of credit, after the last of June.

I shall draw for the next quarters salary on the China letter, and regret to write that it will nearly all be required to pay the expenses of myself and family to my post.

I occupied my time whilst awaiting for my instructions in procuring such information as I could touching the Singalese people, I am about to visit, and in doing, what was possible to strengthen our cause in Europe. Permit me to write that I have found a most valuable aid, in Chinese affairs, in H. M. Beckwith Esqr. a gentleman, now residing in Paris, who was for a long time the head of the great American House of Russell & Co.

in China. I have also received many valuable hints from Russell Sturgis Esqr of the House of Barings Brothers & Co. who resided twelve years in China. These gentlemen are particularly pleased with the removal by the Govr. of certain obstructions in China. It is not for me to suggest the necessity for great care in the selection of these. In this connexion I trust I shall be pardoned if I mention the name of Wm Brent Esqr. now Consul at Swatow. Whilst before last as a member of the Com. of Foreign Affairs in the House, I had the honor, at the suggestion of the Hon. Gilman Marston of N.H. now Lt Marston, who was wounded

at Bulls Run, to secure the es-
tablishment of that Consulate for
Mr Breck, because of its necessity
to our Commerce and his special
fitness for the place. He is a man
of most excellent character and
fine capacity. I proceed to
my new post with diffidence
but still with pleasure: for there
is a fine field and I am yet
a young man.

Your Obedient Servant
A. Burlingame

Hon Wm H. Seward
Secretary of State.

No 25. Des Mr Dimick

Legation of the United States. Macao. Oct. 14. 1861

Sir,

I have the honor to inform you of my arrival in China on the 1st inst.; and that, finding no minister or other officer here, I have taken charge of the archives as left by Commodore Engle, and other property of this Legation, most of which has remained in this city during the past two years. The only document which I find among the records of unfinished business, is a dispatch from Sieh, the Commissioner of Foreign Commerce, dated July 16th, addressed to Flag. Officer Stribling. Similar communications have been sent to the other Treaty powers, explaining the action of the Chinese Government in relation to levying duties on native produce carried from one port to another, and showing that it is not in contravention of treaty stipulations. Its acknowledgment and action

Arrival in China

caw

To Hon.ble William H. Seward
Secretary of State
Washington

can await the arrival of the Minister.

Death of the Emperor of China

The demise of the Emperor Hienfung, at his summer residence at Je-ho in the northern part of the province of Chihli, about the 25th of last August, and the accession of his eldest son, a boy of nine years, under the style of Ki-siang, has been announced in the papers, but no official intimation of the event has been received by the Legations. The Government at Peking is administered by a regency of several Manchu and Chinese officers; and hitherto no disturbances have been reported in consequence of the change. The deceased monarch was 32 years old, and had reigned eleven years; he was the seventh emperor of the present Manchu dynasty.

Foreign Legations at Peking

The British, French and Russian Legations are at Peking, but the general admission and visits of foreigners to the capital has been discouraged by the Ministers there. Many merchants have settled at Tientsin, which is likely to become a commercial centre for the region con-

connected with the Pei-ho river. The Allied troops still remain there in garrison.

The details of evacuating the city of Canton are now being carried out; and by the end of this month the city and all its public offices and property in the hands of the Allies will be returned to the Chinese authorities, except two places for their Consulates. The former site of the Governor-general's office has been taken by the French for the Roman Catholics in lieu of land and buildings claimed as belonging to them, and confiscated in the reign of Yungcheng about 1735, when their missions were abolished. The number of troops to be withdrawn is stated to be about 4000 of all arms; the French have sent nearly their whole force to Saigon and Annam. Evacuating Canton

The people of Canton have become so well used to the presence and protection of the English in their city, that a large portion of them rather regret their departure, and a few feel doubtful about the maintenance of peace. The officials and gentry have expressed their dissatis- The city quiet

dissatisfaction at the occupation of the provincial capital by foreigners; and some of the former have kept aloof since its capture in December, 1857, holding their courts at Fichohan, a large town 12 miles to the westward. The country within a few tens of miles, and indeed the whole province of Kwangtung, is now more quiet and free from organized banditti, than at any times during the last ten years.

Indemnity

The indemnity to be paid the Allies by the Chinese Government is being regularly collected at the ports; and there is every reason to believe that the whole sum of about twenty millions of dollars will be rapidly paid up. This collection has not interfered in the least with the regular payments on account of the American indemnity.

I have the honor to be,
Sir,
Your Obedient Servant,
S. Wells Williams

V No 2. Recd Dec 30. Pt. Mr Bonnick.

Not

Hongkong.
Nov. 1st 1861.

Sir

I have the honor to inform you that I arrived at this place on the 24th of Oct. last.

I found the Archives of the Legation, in the keeping of Dr S. Wells Williams, at Macao, within a few hours of this place. I immediately communicated with Dr Williams, who, from his long residence in China and his experience as Interpreter and Secretary, was able, at once, to give me

To Hon William H. Seward
Secretary of State
Washington

such information as would facilitate the business of the Legation.

I addressed notes to the representatives of England. France Russia &c. informing them of my arrival and that I had entered upon the duties of my office.

It is too late to visit Peking on account of the cold weather— the streams are already closing and besides there are no accommodations there for us and the business of the Legation does not require such visit at present. The Gov.t of China, for our purposes, is most easily communicated with from the sea coast. and there are questions which require my presence in

in the sea ports now. I shall go to-day to Canton, for the purpose of having an interview with the Chinese authorities. As at present advised I shall establish the Legation at Shanghai, which is the centre of our commerce in China. I shall visit Peking as soon as I can or whenever the interests of the Gov. may require it. In this connexion permit me to call your attention to the fact that my predecessors Messrs McLane, Parker, and Reed and Ward, each, had a letter of credit for extraordinary expenses on the Barings, for ten thousand dollars. If the U. S. Legation shall go to Peking either to

to reside a season, or on a visit,
it will require more money than
the Legation has as salary if all
were used, judging from the ex-
penses of my predecessors, as found
in the files of the Legation of
which there are sufficient vouchers.

The Allies evacuated Canton
on Sunday the 21st of Oct. and
all remains quiet in the city.

I received a dispatch dated
Hong Kong Oct. 23rd from our
Consul W. L. G. Smith, containing
the alarming intelligence that
the Rev. H. M. Parker and Rev.
J. L. Holmes American Mis-
sionaries, had been killed
about thirty miles from Chefoo,
China. Chefoo is one of the Ports
opened

opened by the British Treaty, about
five hundred miles north of Shang-
hai under the name of Pang chow
in the Province of Shantung. The
Rebels were approaching Chefoo
in force when Messrs Parker and
Holmes went out to the place
where they were, for the purpose
of trying to persuade them from
approaching further towards Che-
foo and were killed by order
of the Rebel Chief. Their bodies
were subsequently recovered and
buried in the English burial
ground near Chefoo. Mr Par-
ker was from South Carolina
and has left a wife and
child who are at Shanghai.
Mr. Holmes was from the
District

District of Columbia and has left a wife who remains at Chefoo.

There is some apprehension that the Rebels may try to capture Shanghai and signals and alarms have been agreed upon by the Foreign residents under the direction of the English and French military authorities.

The little Saginaw, Commander Schenck, is the only war vessel we have in the Chinese seas. so that if there should be occasion for force, we should not have much.

The report which was sent out, that Privateers were fitting

fitting out in Shanghai was
had no foundation in fact,—
Still there is a feverish appre-
~~hension and Consequence is~~
suffering. There are fears
for the safety of the "Alemona,"
on board of which, are our
newly appointed Consuls Carpen-
ter and Mangum. It is now
fifty three days since the Ship
passed Anyer.

I have just learned
of the a brutal murder at Pokla
about fifty miles South West of
this place. Dr Legge a distin-
guished Missionary purchased a
house for a Chapel which he
dedicated in person and then
left. The Catechist whom he
left

left was surrounded, after refusing to abjure the Christian religion. Subsequently a reward of fifty dollars, was offered by the Chinese for the head of any foreigner.

I have the honor to be

Sir

Your obedient Servant

A. Burlingame

V Mr Reed 25 Jany + Mr Brueck
No 3.

Hong Kong Nov. 14th 1861

Sir

I have the honor to inform you that I have visited Canton where I had an interview with Saou the Governor General of the Provinces of Kwangtung and Kwangsi. These Provinces contain a population of thirty five millions of people. The visit was made upon him at his official residence and resulted in the fullest expression on his part of the good will of his people for us and our institutions. He informed me that the young Emperor would enter upon his official duties on the

Visit to Gov. Saou

9th

Hon William H. Seward
Secretary of State

9th of this month and that Prince Kung would remain Minister of foreign affairs, thus securing the a continuance of the friendly relations which now exist between the Chinese and Foreigners.

When the Governor desired to return my visit, I left it optional with him to do so, either at the house of Russell & Co. whose guest I was, or on board of the Hankow, a fine American Steamer which was Kindly placed at my service.

He instantly chose the latter. He came with a large retinue and seemed much pleased with what he heard and saw.

The manner of the interview is only important, in that it

was

was the first time any one of his rank, among the Chinese, ever came so near our western civilization, as manifested in the complex machinery of a Steamboat. I have received a despatch from Mr M. C. Morrison the British Consul at Tang-chow-foo Yentai, informing me that, as he was the only foreign official at that place, he felt that it was his duty - the friends of the deceased consenting - to procure a post mortem examination of the bodies of the Rev Mr Holmes and the Rev. Mr Parker our Missionaries who were murdered by the rebels. The examination was made by Mr Lagarde, Surgeon of the 1st class of the French Navy, who sent me a full report for which he refused to accept the fee usual in such cases. I addressed to them letters of thanks to each of these gentlemen and wrote them that

Conduct of British Consul and French Surgeon.

that I should bring their noble conduct to the attention of my Government. End

Extract for Sec. of the Treasy. 25 Dec. 62 gen.

I would call your attention to the fact that larger quantities of teas than usual are being shipped to England, peculiarly suited to the markets of the United States, packed in small sized boxes, with a view to smuggling them through the Canadas. I learn the above not only from Merchants here but from their correspondence with Houses in London.

Smuggling of teas.

Boyn

Our Consuls, Messrs Carpenter and Munyum, of whose loss I spoke in my last despatch, have arrived. I shall transfer the Legation from Macao to Shanghai by the next Steamer.

Arrival of Consuls.

Your Obedient Servant

S. Burlingame End

V No 4

Recd 17th.

Ans. Dated Nov

Hong Kong Nov. 30th 1861.

Sir

I have the honor to inform you that in obedience to your instructions under date of Washington Aug. 28th 1861. I have taken the oath of allegiance required by the same, and caused it to be taken by S. Wells Williams, Interpreter and acting Secretary of Legation and by our Consuls Wm H. Carpenter and Willie P. Mangum jr. and by vice Consul Gideon Nye jr. I have also administered the oath to Commander Schenck of the Saginaw, who will cause it to be taken by those under his command.

Hon William H. Seward
Secretary of State

those

these oaths I forward for deposit
in the archives of the department.

Since my last despatch
there has been a Court revolution
at Peking in which the del Council
of Regency was overturned and all
its members put to death or ban-
ished or degraded.

The Dowager Empress
has been declared Regent and
Prince Kung [brother of the late Em-
peror] is her chief Minister.

The party which has been over-
thrown, was strongly conservative
and was opposed to the relations
established, by Treaty, with foreigners.
And it is chiefly charged a-
gainst them, in the decrees of
their successful Rivals, that
during

having charge of Hien-fung, they deceived him with reference to foreign questions last year when they pursued that "vicious policy" which brought foreign armies against their capital and led to the destruction of the palace of Yuen-ming-Yuen, and that they kept him ignorant of the peace which had been made and trusted him and caused him to remain in the cold Palace of Je Ho until he sickened and died. It is also charged that they usurped power and falsely declared that they were invested, by the late Emperor with the administration of affairs during the minority of his heir.

It is thought foreign interests will be conserved by this action

of

of Prince Kung and his party is as
~~which as they are strongly in favor~~
of maintaining and extending peace-
ful relations with foreigners. I send
you ~~with~~ the papers containing all
the facts in relation to the court
at Peking.

I have learned through
Chief Justice Adams of this place
that in Oct. last ~~he~~ he con-
versed with an American by
the name of Roberts living
with the insurgents at Nan-
king who informed him that
as the English Government
had prevented Taiping from
obtaining gunboats in England
the rebels had sent to America
and ordered four, which were making
and

would be sent out next year.
As this would be a gross vi-
olation of our Treaty obliga-
tions I call your attention to
the facts.

I have visited Macao
and perused the archives of
the Legation and am now on
my way to Shanghai where
I intend to set up the Legation

Yours truly
A. Burlingame

I, Gideon Nye Jr Vice Consul for the United States at the port of Macao in China, do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States, against all enemies, whether domestic or foreign, and that I will bear true faith allegiance, and loyalty to the same, any ordinance, resolution, or law of any State convention or legislature to the contrary notwithstanding; and, further, that I do this with a full determination, pledge, and purpose without any mental reservation or evasion whatsoever, and, further, that I will will and faithfully perform all the duties which may be required of me by law. So help me God.—

Gideon Nye Jr

Sworn to and subscribed before me this twentieth day of November, 1861.—

A. W. Burlingame

UNITED STATES LEGATION CHINA

I. William H. Carpenter, Consul for the United States at the port of Tuhchau in China, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and, further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever; and, further, that I will well and faithfully perform all the duties which may be required of me by Law: So help me God.

William H. Carpenter

Sworn to and subscribed before me this twentieth day of November, 1861.

[signature]

I, William H. Seward, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and further that I do this with a full determination, purpose, and intention, without any mental reservation or evasion whatsoever; and further, that I will well and faithfully perform all the duties which may be required of me by law: so help me God.

William H. Seward

Sworn to and subscribed before me this twentieth day of March, 1861.

I, Willie P. Mangum, Jr. Consul for the United States of America at Ningpo in China, do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution, or law of any State convention or legislature to the contrary notwithstanding; and, further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever; and, further, that I will well and faithfully perform all the duties which may be required of me by law: So help me God.

Willie P. Mangum, Jr.

Sworn to and subscribed before me this twentieth day of November, 1861.

I. S. Wells Williams. Chinese Interpreter to the Legation of the United States in China, & acting Secretary, do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution, or law of any State convention or legislature to the contrary notwithstanding; and further, that I do this with a full determination, pledge and purpose, without any mental reservation or evasion whatsoever; and, further, that I will well and faithfully perform all the duties which may be required of me by law: So help me God.

J. Wells Williams

Sworn to and subscribed before me this twentieth day of November, 1861

Edmund Roberts

I James Findlay Schenck Commander
in the United States Navy do
solemnly swear that I will sup-
port, protect, and defend the Consti-
tution and Government of the United
States, against all enemies, whether
domestic or foreign, and that I will
bear true faith allegiance, and
loyalty to the same any ordinance,
resolution or law of any State con-
vention or legislature to the con-
trary notwithstanding; and further
that I do this with a full de-
termination pledge and purpose
without any mental reservation
or evasion whatsoever; and
further that I will well
and faithfully perform all
the duties which may be

required of me by law: So
help me God

Ja. Findlay. Schenck.

Sworn to and subscribed before
me this thirtieth day of November
1861.

A. Bunlingame.

Acknowledged
Extract sent Navy Dept 19th

Hong Kong Dec. 14th 1861.

Sir.

I have the honor to inform you that your despatch of Sept. 28th [No. 2] has been received.

I send you the oaths of Our Consul at Canton Oliver H. Perry, the Interpreter Samuel Williams Bonney and U.S. Consular Agt. Francis H. Haskell for the files of the Department.

I regret to inform you that the U.S. Steamer Saginaw, has, after survey, been condemned and Commander Schenck with the men under his command will return to the U.S. by the Steamer of California.

Hon William H. Seward
Secretary of State

The

The Saginaw was built in California of a perishable wood, and is one of Senator Gwin's jobs. I visited the Steamer and found nearly every timber rotten.

I hope the Government will speedily supply the place of the Steamer, with as much force as can be spared, as our large interests are now completely exposed.

The Rebels are meditating a big push, and the only protection our flag has, is from a large English fleet which has been sent there to drive them back.

I shall go to Shanghai by the Steamer Peking to-morrow morning.

I have the honor to be

Your Obedient Servant

A. Burlingame

I, Oliver H. Perry, Consul for the United States at the port of Canton in China, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State convention or legislature to the contrary notwithstanding; and, further, that I do this with a full determination pledge and purpose, without any mental reservation or evasion whatsoever; and, further, that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

Oliver H. Perry

~~Sworn to and subscribed before me this~~

Sworn to and subscribed before me
this 5th day of December 1861

In testimony whereof I hereunto
sign my name and affix my seal
of office.

E. H. Warbelle
U.S. Consular Agent

I, Frances Hathaway Haskell, U.S. Consular Agent at Whampoa, and Acting U.S. Marshal for the port of Canton in China, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state convention or legislature to the contrary notwithstanding; and, further, that I do this with a full determination pledge and purpose, without any mental reservation or evasion whatsoever; and, further, that I will well and faithfully perform all the duties which may be required of me by law; so help me God.

Frances Hathaway Haskell

Sworn to and subscribed before me this 5th day of December 1861.

In testimony whereof I hereunto sign my name and affix my seal of office

Thos. Lay
U.S. Consul

I, Samuel William Bonney, Interpreter to the U.S. Consulate at the port of Canton in China, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state convention or legislature to the contrary notwithstanding; and, further, that I do this with a full determination pledge and purpose without any mental reservation or evasion whatsoever; and further, that I will well and faithfully perform all the duties which may be required of me by law: So help me God.

S. W. Bonney

Sworn to and subscribed before me this 25th day of November 1861.

In testimony whereof I hereunto sign my name and affix my seal of office at the port of Canton, China, on the day and year above written.

Robert Lenox U.S. Consul

No 6. Rec'd Mar

Shanghai Dec. 24th 1861.

Sir

I have the honor to inform you that I arrived at this place Saturday the 21st inst of Dec.

I here learn that Ningpo, a city about ninety miles from this place has fallen before the rebels.

The manner in which it was taken I have learned from despatches which I have just received from our Consul Mr Brock, copies of which marked A. B. C. and D. I herewith send.

From these you will learn that Ningpo after years of threatening was gradually approached and finally taken after a feble defense.

To
Hon William H. Seward
Secretary of State.

In the terror created by the rebels approach, the Consuls of the foreign nations, including our own, met at the British Consulate to concert measures of safety for their countrymen.

They made a statement of their views, which, by the hands of Mr Brock, was placed before the rebels and responded to by them.

It will be perceived that the Consuls held an attitude of neutrality and warned the rebels against any injury to their countrymen, and that the rebels cordially accepted their views and guaranteed the safety of the property and lives of the foreigners. It is evident, from the answers of the rebel Generals, copies of which, full of errors, just as they came to me. I enclose, that they imagined that they were treating with the foreign officials and that

that they were delighted at receiving so great a recognition.

It may be barely possible that the Imperial Government may suggest that the Consuls went too far; but it may be replied that the Government failed to do its duty and the Consuls did the best they could under the circumstances. It is clear that we cannot recognize the rebels without a violation of our treaty obligations, and I shall, in this most delicate condition of affairs, act with the greatest caution.

The news this morning is that the rebels, so far from preserving order, are robbing and killing in the most barbarous manner. As to trade — they wish to buy only arms and opium and men are trading with them in these articles to the great injury of legal commerce.

There is great anxiety touching the future. If the rebels continue to hold Ningpo the whole system by which duties are collected, which has been settled with infinite trouble, will be menaced.

Sir Admiral Hope with Mr Parkes left this morning for Nankin to inform the rebels that if they approached within thirty miles of Shanghai they would be attacked.

The English and French are covering every point of danger with their numerous soldiers and war vessels and I must write that I feel quite easy when I remember that we have not one soldier or sailor in all this region. I shall probably go to Ningpo to see what I can do for my countrymen and to aid our Consul in this most serious time. I send copies of letters from the English and Russian Ministers.

I am Sir

Your obedient Servant

A. Burlingame.

(Copy) A.

United States Consulate

Ningpo 10th December 1861

Hon. Anson Burlingame

United States Minister

&c. &c. Shanghai

Sir,

I have the

honor to advise you in regard to the present state of affaires at this port, and the measures adopted by the official representatives of Treaty Powers for the protection of life and property.

The approach of the Rebel Army upon Ningpo has been very gradual, and many times during the past few years it has been rumoured that the City was about to be besieged. Until within a few weeks past, however, the people

have

have continued in the city pursuing their usual avocations and but little alarm excited. About six or eight weeks since, the Insurgents captured some of the towns and cities in the interior which commanded the approach to Ningpo. The people of this city became terror Stricken and before the Rebels had approached within thirty miles of Ningpo the city became deserted, every place of business closed, and all property of value removed the Chinese on the Foreign Settlement side deserted their homes and in view of the existing State of affairs and the anxiety naturally felt amongst Foreigners a meeting was held at H. M.'s Consulate on on the 28th Nov. as per Copy minutes

marked

No 1 enclosure No 1

With this communication I proceeded to Ya-Yaou thirty miles into the interior in H.M.'s Gunboat "Kestrel" — (H.M.'s Consul remaining at Ningpo) and presented the same to the General Comm-anding the Rebel forces, and had a long personal interview, in which the lives and property of Foreigners were most amply guaranteed. For copy translation of the reply to this comm-unication of the General commanding.

No 2 I beg reference to enclosure marked No 2. and for reply to General Fan, commanding an other division of the Insurgent forces approaching the city in an opposite direction, and to whom two days subsequently was presented the same communication,

J.

Ref reference to enclosure marked

No. 3 No. 3.

On Friday of the last week the Insurgents arrived opposite the city walls — on Saturday and Sunday slight skirmishes were had, preparatory to a final and determined attack at the South gate yesterday morning. at nine oclock the walls were scaled, the Imperial forces fled, and the Rebels are now in possession of the city. The Taoutai and admiral commanding escaped; the Chee-foo and district Magistrate were killed. There were but few killed on either side, and since the possession of the city, no outrages have been known to be committed by the Rebels.

In this anomalous State of affaires

arises

arises the question what course to
be pursued by Foreign Powers in
regard to the Customs and various relations
which must exist in our intercourse with
these people. I have had conference
with H. M's Consul, but no decided
course of action has been adopted, and
I have great hesitation. I have decided
to await advice from the Legation,
and I would most urgently invite your
Excellency to come to Ningpo, that, by
your personal observation and with
a perfect understanding of the State
of affairs existing you may be able to
judge of the right policy to pursue.

I am, Sir, very Respectfully
Your obedient Servant
(Signed) William Brecht
acting U.S. Consul
Ningpo

(Copy) B.

Minutes of a conference held at H. B. M's Consulate, Ningpo. Thursday the 28th day of November 1861.

Present:

William Brecke Esq. U.S. Consul

Mons. Léon Abry Imperial Majesty's Navy Com. Str. Confucius

Lt. Henry Hasham R.N. Com. H. M.s Gunboat "Kestrel"

This conference has been appointed to be held this day at H. B. M's Consulate, in consequence of the threatened advance of the insurgents Forces on Ningpo and the well grounded reports of their immediate arrival here, with the view of capturing the City. It can only be a source of deep regret to the undersigned, to see Ningpo attacked and exposed

exposed to the horrors and distraction consequent on its becoming the scene of a struggle between the rival parties, but, as the undersigned, do not consider themselves authorized, by their instructions, to afford a Military Protection to the town of Ningpo, or to take any active measures against the Insurgents, all that is left for them to do is to afford Protection to the persons and property of their respective Countrymen, and the means of Escape to them, should the Authorities attempt to defend the city and escape become necessary

In the present uncertainty as to the real movements of the Rebel forces, and more especially as to their intentions in regard to Foreigners, on their arrival at Ningpo, the undersigned after

Consultation

consultation have agreed, that it would be highly expedient for the security and confidence of Foreigners that a direct and personel communication should be held with the Insurgents, before their immediate approach to Ningpo, for the purpose, in the first place, of ascertaining their instructions, and secondly of conveying to them the course which the undersigned intend to persue, on the Insurgents arrival.

With this view it has been decided, that the undersigned shall proceed this day on board H.M.'s Gunboat "Kestrel" to the Rebel Head Quarters, either at Yu-Yaou, or wherever they may be found, between that city and Ningpo, and having obtained an interview with the Insurgent Leaders, to convey to them verbally, as well as in writing the following message.

1. First ——— That the undersigned take no

no part in the civil contest, but they claim exemption from injury and annoyance, at the hands of both parties, and that they will exact full and ample reparation, if they are in any way molested.

2. Second ——— That the undersigned would urge in the most earnest manner on grounds of Christianity and humanity, before the leaders and body of the Taiping Army, the benifits to them of not disgracing their cause by the commission of Excesses, either in the locality they may now occupy or on their arrival at Ningpo.

3 Third ——— That the first and paramount duty of the undersigned being the Protection of lives and property of their respective Countrymen, they desire to inform the Leaders of the Taiping

Taiping Body, that the Quaters of Ningpo, where Foreigners are principaly located, being quite distant from the city, and on a branch of the river seperating the two, care must be taken by the Taiping Leaders and men from coming on the Foreign Settlement side, as such a Step might lead to Serious evils, and in all probability complicate questions between them and Foreigners.

4. Fourth ——— That whether in or out of the city, or the Foreign Settlement or elsewhere in the Suburbs, where their Countrymen reside, the lives and property of those Countrymen must be cared for and respected — not the least attempts being made to injure or annoy them, and undersigned cannot

cannot but strongly urge on the Leaders, the serious consideration of this last and important recommendation.

Done at Ningpo, at H. B. M.'s Consulate at the time and place above given

5. Fifth (Signed) William Brock
United States Consul
" L. Abry
Capt. du "Confucius"
" Fedrick Harvey
H.M.'s Consul
" Henry Hatham
Str Comg H.M.'s
"Kestrel"

(Copy)

C.

Copy Translation, of communication of General Tan native commander of one portion of the Taiping Army on its approach to Ningpo in reply to joint communication of Consuls &etc as per above.

Pursuant to, the truly Heavenly Edict of the Taiping Heavenly realm / from / the royal City, the Tsau-nych / Destroyer of rebellion a Title of nobility / General Tan native, answer to the English Consul &etc Ningpo, Harvey the American Consul &etc Breck, the English Naval Commander — Harham, and the French Naval Commander Obry.

Most respectfully that by this reply to your communication your hearts may be at rest — In as much as the Heavenly Father, the Emperor Lord and Sovereign / or Augest / God and the Heavenly brother Jesus Sent my truly Sacred Lord the Heavenly King

King down to this world to govern China with the design of destroying the imps and saving the people and of lightening up the inhabitants of China, therefor I the native commander have reverently received this Spicial edict to conquer the regions beyond (Yankin) and extend the Taiping dominions, in order solely to save the people and punish offenders. Now my brave army has reached Ningpo, (foo) with intentions of taking the for city, and make it the base of opirations, and thus restore quiet to the people.

I have at this junction received your communication and fully appaled its imports, and what you have said I the native commander fully agree to - It is of course plainly my duty thus to warn the Soldiers, that they may, revering the mercy (lit. the heart) of heaven, abstain from all disorderly conduct. It is my wish that you may be free

from

from anxiety

In referance to the day of which we spoke in our personal interview you will certainly abstain from mentioning it. Let us be perfectly sincere. (lit. make Sincerity our basis)

The houses, persons and property, belonging to (citizens of) each of your honorable countries, I the native commander and bound most stringently to forbid the Soldiers from molesting in the slightest degree.. With respect to your honorable countries merchandizes and their business, going on as before, let them be buying and selling with even greater equity, and (the Soldiers) will by no means dare to rob and plunder. The words of a gentleman are all to be depended upon, for the~ this faithfulness (Sincerity) can by no means be changed..

A Specidle reply to your Communication, with Salutations. I also send papers (i.e. posters to be posted upon houses belonging to American Citizens)

11th year 10th Month 22nd day of the

The Taiping Heavenly Kingdom.

(Copy)

D.

Copy communication (Translation) from General of Left Division (Wong) of the Taiping Army on its approach to Ningpo, in reply to joint communication of Consuls etc as per annexed.

Pursuant to the Heavenly edict of the Taiping heavenly realm of the Heavenly dynasty from the Royal city (lit. nine gates, epithets of division of the army of Nankin?) the founder of the dynasty (from his) royal official residence the Commander of the Left Division, the Baou-an wy (probably a title of nobility (Wong) makes this communication to the American Consul etc at Ningpo, Brick, the

the English consul de Harvey, the English Naval Commander Obry. respectfully requesting their consideration in order that we may concert peaceful measures.

It is understood that since the creation of the world, then in China and Foreign countries. In China we got our Lord (Emperor) and so with every Foreign country, they have there rulers &c. I Speak concerning the Ching (present dynasty) they are nothing but Barbarians and they have disguisedly entered China and overlook the governments ever since the time of the former "Ming" Dynasty and have polluted the Customs and Rules of the place, on account of which they are inexcusable.

It was two hundred more years

up

to now and their sins are much exagerated
therefore they have caused our Heavenly
Father to be very angry, but our heavenly
Brother Jesus Christ is full of compassion
to save the world, who intentionally sent
the Sacred Lord, the "Sui-Wong" to
to come down to the world in order to
clean away the Barbarians and
to replace every thing for the re-establishment
of Hou Dynasty. This is the time when
to see Heaven and men on agreeably mu-
-tualized and this is the very time when to
see the Kingdom to be altered. And now
I the General, have respectfully received
the Sacred command and with a large
Army have reached from North to
South of this Empire, for to save the
people and punish the wicked.

Is not this ach on my part to save

the

the people agreable to the Command
of the Court? — and in not to also
to cut down all wicked for the,
Consequently whoever place I entered
the people, with their vessels containing
victuals etc. came out to meet me
and welcomed my Army.

At present my great Army have
come to Shek-Kiang province and
it has been told to me that you
Honble Countries (Consuls) of Kingpo
have came to Yu-Yaou, and as
I the General, and always bearing
in mind the good meaning of
Harmony and not wishing to see
the injury of each other, have to
request that you would make this
known to every officer and Soldier
of your respective nation that when
my

my Army arrives at Ningpo my men will not be allowed to go abroad and to disturb the houses and properties of the People, nor allowed to hurt them life of any man of your respective nations. I the General will certainly give order to my officers and Soldiers about the same, and should there be any of bad officers or Soldiers who daringly cross over and make any disturbance be good enough to take hold of such wicked men and hand over to me, where I the General will most undoubtedly cute off his head, and supposing there should be any unlawful man of your honorable Countries, (Consuls) would also direct such men to come back and not to help them at

at all which act will show that we are in Harmony, and our agreement will never be disregarded, and begging you to be assured in mind about this Harmony &c &c.

Wishing you daily Happiness

Dated Taiping-Tien Kock

eleventh year 10th ~~Moon~~ 19th ~~day~~

i. e. 21st November 1861

(Copy)

Peking December 3d 1861

Sir,

It was with a real pleasure that I learned your appointment as Envoy Extraordinary and Minister Plenipotentiary of the United States in China.

~~The friendly intercourse~~ of all our predecessors made me always desire the presence of a representative of Your Government in Peking, and I therefore look foward with impatience to prove once more towards your Excellency those sentiments of sincere friendship, which have always existed between our respective governments.

I am very sorry to state, that the advanced season will not enable to a personal acquaintance with you, before the beginning of the spring, but let me assure you, that I shall be most happy to

To His Excellency Mr. A. Burlingame
Envoy Extraordinary and
Minister Plenipotentiary
of the United States to China

to be in anything useful to the
Sucess of your mission, and
avail myself of this occasion
to pray your Excellency to
agree the high consideration

Sir

of your most obedient Servants

(Signed) L. d. Balluzeck

(Copy)

Peking December 3d 1861

Sir,

I have the honor to acknowledge receipte of your Excellency's letter, informing me of your appointment as Envoy Extraordinary and Minister Plenipotentiary of the United States in China, and of your assumption of the duties of that office.

The cordial and friendly relations that existed between His Excellency Mr Ward and myself, during a very eventful period in China, have always been a source of much gratification to myself; and I can assure your Excellency that you will find

find in me a sincere disposition to continue those relations on the same footing with yourself. The interests of our two governments in this country are absolutely identical, and united action cannot fail to promote them.

I may state that the beneficial results of direct intercourse with the highest officers of this Empire are becoming more and more manifest in proportion as that intercourse is extended.

I avail myself of this occasion to express to your Excellency the assurance of my highest consideration.

(Signed)

Frederick W. A. Bruce

Re: 12. mss. to Denmark

No 7.

Shanghai January 9th 1862

Sir

I have the honor to inform you that Vice Admiral Sir James Hope, of whom I made mention in my last despatch, has returned and that he has done me the honor to communicate to me, confidentially, the results of his expedition.

The object of it was, briefly this. to demand payment for certain robberies committed by the rebels on British subjects in the Yang tze Kiang river; to inform them that Chinese Junks purchased by British subjects were bona fide British property and therefore must not be interfered with by them; to notify them of the measures which had been taken to prevent the assumption of the British flag by improper parties; to call their attention to the fact that they had not kept the pledge they had made last Spring not

Hon

William H. Seward

Secretary of State

not to approach within one hundred li of Shanghai and to inform them, as Hankow and New Kiang had become of great importance for trade that like Shanghai they must not be molested. These demands and information were made known to them through Senior Officer Henry M. Bingham by Mr Harry S. Parkes who acted as Interpreter. The rebels responded with great spirit, declaring that they should attack not only the places indicated but all others held by the "Imps" and that if the foreigners interfered they must perish with them.

They refused utterly to respond to any of the demands made by the Admiral, but in doing so they expressed a desire to be at peace, and claimed to belong to the same family because they worshiped the

Same

same God. The Admiral responded in the most prompt and peremptory manner that if they interfered with the trade of the Yang tze River or attacked any of the forbidden places they would be repulsed, as they had been on former occasions, and as their "folly would deserve". The documents from which I have made the above brief statement are quite voluminous and I did not feel at liberty to copy from them under the request of the Admiral that I should hold them meanwhile confidential—

It is not possible to write what will probably be the result of the present state of things. The rebels in certain quarters seem to be gaining, and, in others, losing ground. Since my last despatch they have taken Nang Chow. a City

city not far from Ningpo. In another despatch I will give a fuller account of them and of their purposes.

I am happy to inform you that as soon as the Admiral arrived he called upon me and in the warmest manner tendered me on behalf of his Government and himself any assistance I might need in this anomalous state of affairs. He soon after sent me the covetous letter, a copy of which I enclose. In the morning I shall avail myself of his kind invitation to visit Ningpo. By his stirring at Ningpo our people are now exposed to the capricious conduct of the rebels. I shall not feel at liberty to hold any official intercourse with the rebels by which they might construe into a recognition. I enclose my accounts with the Gov. to the last of Dec. I drew when in London at the suggestion of the Bishop

Burlingame.

Dear Sir, five hundred dollars for contingencies for the year, and one quarters Salary by which means I saved to the Government for that quarter the exchange. I cannot now render my account for contingencies, as Mr Williams, who is acting Sec.y and who remained in business at Macao has a part of the vouchers. I shall hereafter draw for contingencies as they are required

I have the honor to be

Your Obt. Servant
A. Burlingame

Flag

"Coromandel," Shanghai
7th January 1862.

Sir,

Circumstances having occasioned the recall of the greater part of the American Vessels of War in these Seas, it may be proper to aquaint you that the Commanders of Her Majesty's Vessels Stationed at the Several Consular Ports are instructed "so far as "the means at their disposal "will admit to afford the same "protection to the Subjects of such "Foreign States as are on terms "of amity with Her Majesty "as to British Subjects" ——
and that it will afford me much pleasure to promote the

The Honorable
Anson Burlingame
United States Minister
in China

the objects of your Mission
in every mode in which
personally I can be servi-
-ceable to you

I have the honor
to be
Sir,
Your obedient Servant

(Signed) Hope

Vice Admiral
Commander in Chief

V
No 8

Read 27 Mar

Shanghai January 23rd 1861.

Sir

I have the honor to inform you that on the morning of the 11th of January I started for Ningpo on board of H. M. S. Coromandel by the invitation of Vice Admiral Sir James Hope and arrived there on the 11th

We found the Rebels in possession of the city, commanded by two Generals, whose forces were variously estimated, all the way, from ten to fifty thousand men. As in all places taken by them there was presented a scene of utter desolation, - for they destroy everything and conserve nothing. I saw heads and bodies

Hon. William H. Seward of
Secretary of State

of the dead lying unburied in the Streets. The inhabitants who could flee- had fled, and those who remained were terror stricken. The foreign Settlement was menaced and only saved from slaughter by the presence of the English war vessels the Scout and Kestrel and the French war vessel Confucius. In the presence of these things the Admiral and myself determined, after mature deliberation, to give the Rebels notice that under no circumstances, must they invade the foreign quarter, and that they might know where it was, we caused it to be defined according to the minute, a copy of which please find marked A. You will be glad. I hope to perceive that the

minute

minute
is drawn with great care so as not to involve the Government. It is a provisional measure for defensive purposes to secure the enjoyment of our Treaty rights and subject to our Treaty obligations. The other Treaty powers would have gone, I think, a little further than this, and demanded a concession of territory, subject to the ratification of the Imperial Government; but I did not feel at liberty to do this, remembering our policy - and the minute was kindly made to conform to my views.

On my return to Shanghai, I found the condition of things as pointed out in the letter of the Rev M. S. Culbertson, which I send marked B. It is not possible to ascertain the number of the

the Rebels. We only know that they are on every side and that they are the very incarnation of destruction. The smoke of the fires of burning homes and Villages has been ascending in every direction for more than a week. They take a place, "loot" it, kill the old and the young and force the strong men to join them and to wear their mark in such a way as never to be able to return to their old allegiance. I received yesterday a despatch from their General Ho, a copy of which I send marked C. He informs me that they are approaching Shanghai by five routes and that while they do not desire to injure foreigners he declares that if they are interfered

interfered with they will conquer
these and the whole world beside.
The list of cities taken by them, and
enumerated by him, I think, is tol-
erably correct. The Chinese proper,
seem to be perfectly impotent in
their presence and are crowding, by
the hundred thousand, into Shanghai,
seeking the protection of foreigners.
There are, all told of foreigners, only
about three thousand and of these
but two thousand are soldiers and
yet this force small as it is, I be-
lieve is competent, if well han-
dled, to hold the place. The
misfortune is that the Rebels de-
stroy trade now, and the hope of it
hereafter; and, that this city whose
export trade in favorable times
is

is nearly as great as the export trade of the Russian Empire will be very much injured. The most active measures are taken for defence not only by the military but by the citizens. What the latter are doing you will learn from the report I send marked D. The French soldiers are charged with the defence of Shanghai proper, and the English with the defence of the foreign settlements. The Americans as volunteers are lost in the latter force. Mr Cunningham whose name is at the head of the Committe for defence is an American at the head of the House of Russell & Co. at Shanghai. The Admiral Sir James Hope informs me that the

he has written to Mr Bruce at Pe-
king to have the British force, of
fourteen hundred men, at Tien-tsin,
which has been ordered home, detain-
ed, and to have a reinforcement
sent up from Hong Kong.

I have transfered Mr Will-
iams Brick, our present Consul at
Swatow to Kiukiang a place about
~~three~~ five hundred miles up the great
river Yang tze Kiang. I have done
this in the interests of our immense
trade now springing up along that
river, and because he is by his ener-
gy and ability peculiarly qualified
in this forming time of that trade
for that position. I have appointed
him acting Consul subject to the
approval of the President. I will

fill

fill the vacancy caused by the transfer by the appointment of a good man for Swanton also, I hope, to be approved by the Government.

I have the honor

to be

Sir

Your Obt. Servant

A. Bunlingame

(Copy)

A.

Minute of a Conference held at the United States Consulate at Ningpo, China, this Monday the 13th day of January 1862.

Present: Capt J. Corbett R.N.
H.M.S. "Scout."

——"—— Willie P. Mangum, Esq.
U.S. Consul at Ningpo.

——"—— Frederick Harvey, Esq.
H.M. Consul at Ningpo.

——"—— Mr Léon Olry Capt.
S.M.I. Steamer "Confucius"
and French Consul at Ningpo.

Whereas, certain Forces in opposition to the Government of China have captured the City of Ningpo and its Surrounding districts, and whereas in the absence of any Imperial Authority

Authority, it is necessary for
defensive purposes, for the
protection of life and property,
and for the general Security,
order, and good government of
Foreigners residing at Ningpo,
that certain limits should be
clearly defined within which
those Foreigners are to reside
free from molestation agression
or interferance of any kind.
For these purposes, the under-
signed as the only Representatives
of Foreign Powers at this Port,
have this day met together at
the United States Consulate
and have after consulation agreed
and determined upon the following
three articles.

1st That that tract of land or country or Promontory known as the Keang-Pih-Sih and comprised within the boundaries or limits drawn by the Yung River, the Yue Yaou a branch of the said River, the Pih-Sha-Ho creek, and a line drawn across the field from the Sze-Chaw-Tang (or Temple) to join the Yue Yaou River above mentioned, (the whole Site forming an irr-egular Quadrilateral or Trapezium) shall from this date, and hereafter be assumed and considered as the Foreign-Site, within which Such Foreigners shall reside free from any interferance of any nature whatsoever, subject always to their respective Treaty obligations. *

2nd The undersigned reserve to themselves the right to make and establish such rules and regulations within the limits above mentioned as the future necessities of the Settlement may be made requisite, such regulations to be in conformity with the provisions of their respective Treaties with the Imperial Government of China.

3d The above agreement to which the ~~undersigned~~ have appended their approval and signatures will be submitted without delay, to the High Ministers and officers of the nations to which the undersigned respectively pertain and belong.

Willis B. Mungum.
U.S. Consul
Frederick Harvey.
H.M. Consul
John Corbett " "
H.M.S. "Scout"
Leon Olry Capt H.F.M.
Steamer "Confucius"
French Consul

(Copy)

B.

Shanghai January
14.th 1862

To the Honorable,
Anson Burlingame.
Minister Plenipotentiary
from the United States
to China.

Dear Sir,

As the Steamer
leaves this afternoon, I take
the liberty of sending you a
line in reference to the State
of things in Shanghai, as
I have not a little at Stake
in the result of the disposition
which may be made by
Foreign Powers in reference
to the rebels. — Your dispatch
from our Consul will no
doubt

doubt inform you that the rebels are now all around us in considerable ~~force~~ numbers, with a prospect of daily increase. We on this side the Su-chau creek are left entirely unprotected, although the rebel forces are on our side, and within four or five miles of our houses. — I am aware that you have no force with which to assist us, and and that it is out of the question for the military and naval authorities of other powers to extend their line of defence so as to include this Settlement. My object in writing

writing is not to apply for
aid, or give advice, but
simply to express my opinion
that it is very desirable you
should be present in Shanghai
as soon as possible. I am
satisfied the Rebels are coming
with an immense force and
a firm determination either to
take Shanghai or destroy it
if they can. — The force op-
posed to them here is sufficient
I believe,
to defeat any number of Rebels
in an open fight, but when I
consider the extent of ground
to be defended, I am satisfied
the force now here is wholly
inadequate to guarantee the
Settlement against the Con-
-sequences

consequences of another mode
of warfare which the Rebels
may be able to employ.
I mean incendiary fires at
at night. They have it
in their power also to draw
a cordon around us and
cut off our Supplies, and
in this very way give us
much trouble. As matters
stand now the English and
French appear as the allies
of the Imperialists fighting
side by side with Imperialist
troops against the Rebels.

We can easily understand
the effect of this upon the
minds of the Rebel leaders.
Would it not be better if

if the Foreign Powers should hold Shanghai for themselves, and not for the Imperial Government? Could they not compel the Imperial troops to leave and notify the Rebels that this must be considered Strictly neutral ground by both parties?

Perhaps you might have some influence here by your counsels, even without any show of force.

Begging pardon for the liberty I have taken

Believe me, Dear Sir,

With much

respect

Yours most truly

Signed, M. S. Colbertson

(Copy)

C.

Communication from the Taiping Chief at Che-Kiang.

He, Civil Governor of the province Che-Kiang a meritorious officer of the Heavenly Dynasty in charge of the Soldiers of the Imperial Palace of nine gates etc. etc. for renewing of Dynasty, sends this communication to the American troops, to say- that Heaven and earth resolve- the hills and rivers change- such if old is the law of the Universe.

For over two hundred years the Imps have inflicted injuries upon the whole Empire of China

China, and now the time has come
arrived to bring it to an end.
Imperial Heaven is angry and
has sent down our true holy
Lord, who has reigned already
more than ten years at Nanking
and subdued places more than
can be pointed out. This as-
uredly could not have been done
accomplished by the power of man:
it is the decree of Heaven. Last
year the capital (Nanking) was
closely invested. We came out
like a flood and took Suchan
Chang-chan Tai-cheng, Kwang-Shan,
Chang-Shuh, Kia-ding, and Kia-
shung in Che-kiang province.
We have also sent forward troops
to Shanghai, to call back the
people

people who have been away, and
to enjoin dependent countries to carry
on trade as usual. Other (ie foreign)
countries have not yet entered
into definite arrangements for
trade; and although the leaders of
the army are very Strict, it might
be difficult to restrain them. - Therefor
we have not advanced directly upon
Shanghai, but have kept at a distance,
and previously taken Ningpo and
Kia-Shen, and have destroyed the
Imps outside of Kia-ding. We have
taken the two Hoo provinces and
Kiang-Su. We have sent troops
to King-Hwa, Shan-hing, and Ningpo.
Our armies besieged Hang-Chaw
two months and took it without
effort. The Southern regions
being

being quiet the Chung-wong is leading his troops by five roads, to take Shanghai.- This is only a little corner of a place; how can it give trouble. Having already taken Su-chau, and Chu-kiang, how can we be prevented from taking Shanghai?- This is not mere boasting, as you may see from what I have said above. The Sea coast in this region is a place for foreign trade. As we are now sending forward troops, the two parties should make terms of peace. I have therefore thought it best to send you information before hand.

The ground occupied by the Imps is not necessary for you.

As

As to the houses of foreign traders we shall not assuredly molest them. If however you should foolishly be intent on gain, then not only this little corner, but the whole world shall be ours. You ought not listen to the Imps, but clean your hearts and return to your obedience, and thus you shall not only secure your trade, but promote your own and the public welfare. Consider it speedily. I am now with my Soldiers at Kia-ding: quickly return an answer, and do not delay, lest you should afterwards repent. A Special Communication.

No 9. Rec'd 19 Apr. Not ...

Shanghai Feb'y 7th 1862.

Sir

I have the honor to acknowledge the receipt of your letter under date of Oct. 24th 1861. and to inform you that I am acting in obedience to the instructions therein contained.

I do not in this despatch, which may, possibly, go through an enemies country, advise you of the details of my action. I can only write, that I shall, availing myself of your instructions, and the powers with which I am otherwise invested, do all I can to shield our interests from harm.

Hon William H. Seward
Secretary of State

The

The next mail will inform us, probably, whether the war is to be confined to our own country or whether it is to extend to foreign nations.

I send you copies of the Commissions of Messrs Beck and Knight, as acting Consuls; the former at Kue Kiang and the latter at Newchang. marked A. I also send a despatch from Mr Beck marked B. and a letter from our Consul Mr Smith marked C. The rebels who still menace us have been restrained from active operations by a great snow storm. I will, if I can, in the event of war with England, communicate with you through

Russia

Russia or via Lubiyanica.

I send this to Mr Danton. Paris
through the kindness of the French
and by their army mail

I have the honor to
be Sir
Your Obt. Servant
S. Bunbury and

(Copy)

A

Legation of the United States

Shanghai

January 16th 1862

To

William Brock, Esq.

Sir,

The exigences of American interests at the Port of Tien-Tsiang rendering it important that some one should be appointed to discharge the duties of Consul of the United States at that Port, and having confidence in your integrity prudence and ability, I do, by the authority invested in me, as Envoy Extraordinary and Minister Plenipotentiary of the United States to China, hereby appoint you to be acting Consul

of

of the United States at that Port, and empower you to perform all the duties and receive all the emoluments of said office until the pleasure of the President of the United States shall be further known.

In testimony whereof I have hereunto Signed my name and caused the Seal of the Legation to be affixed at Shanghai this 16th day of January 1862 and of the Independence of the United States the 86th

(Signed) A Burlingame

I have also Commissioned as Acting Consul at Newchang, Mr Francis P. Knight, reserving the above form.

B.

Consulate of the United States of America
at Ningpo. China. 1st. January 1862.

Hon. William H. Seward
Sec.y. of State of the United States.
Washington.

Sir.

I have the honor to advise, that I have delivered to Willis P. McGuire Esq. Consul for Ningpo, all the Records and Archives belonging to that Consulate. as directed by Communication from the State Department under date of 27. April last, and as per Inventory this day Enclosed to the Department in despatch No. 55. to which I respectfully beg reference.

I have the honor further to advise, that I have enclosed to the Department all the Reports, Returns and Vouchers called for by the General Instructions. all of which, I trust will prove correct and satisfactory, and that my several drafts. for Balance due for Salary. Loss on Same by Exchange, Rent for Consular Office, and Postage Account

will

will be approved and duly honored —

In this connection, I beg to call the attention of the Department to two items of Expense to which I have been, and am to be, subjected in coming to this Port under instructions from the Department, and which I respectfully ask may be allowed to me. —

The first item, is the sum of Eighty one dollars, paid by me for a Chinese Linguist and Teacher, since 9th August last, as per Enclosed Vouchers No's. 1. 2. and 3 Enclosed. I have received and shall during the next five Months, or an Average one Communication per day growing out of the New Customs Arrangement and the troubles at this Port, all of which require the Services of a Linguist. At Amoy, One thousand Dollars per Annum is allowed for a Linguist, while at this Port where the Chinese Communications are more than four to one at Amoy. Nothing is allowed, and, again I respectfully urge that this item may be allowed

A

to me, as the unprecedented State of affairs here, has involved an unusual amount of Chinese Correspondence.

The second item of Expense to which I have been subjected, and am to be subjected to enable me to return to Shatow, is the passage Money paid once to be paid between that Port and this. For the passage Money paid by me from Shatow to this, direct, in July last. I beg reference to Voucher No. 4 Enclosed. The only way I can return is via. Shanghai and Hong-Kong to Shatow. And the regular rate of Passage Money, is as per Enclosure Marked Voucher No. 5. — Making my passage Expenses from Shatow to Swatow and return $271.\frac{66}{100}$. which added to the Sum paid by me for Sundries of $81. makes the Sum of $352.\frac{66}{100}$. And this Sum deducted from the Amount received by me for less than five Months salary, leaves but a

small

small items for the Amount of
Consular Services, Labor and Di=
plomacy which has fallen upon
me, consequent upon the State of
Affairs at this Port since I have
been here, as advised in my Dis=
patch to the Department No. 30
and the Enclosure contained therein.
I trust the course I have pursued
here will meet the approbation
of the Department, and, again
I respectfully urge the justice of
allowing to me these two items
and that I may receive directions
to make my draft in the usual
manner for the Sums.

On account of the un=
precedented State of Affairs at
present existing at this Port, I shall
remain until the Arrival of the U.S.
Minister, daily Expected, when I
shall improve the earliest Oppor=
tunity by Steamer of returning to
my Post at Shanghai.

I am Sir, very Respectfully,
Your obedient Servant
William Beck.
late Acting U.S. Consul
Ningpo.

(Copy)

6.

United States -
Consulate. Shanghai,
January 29th 1862.

Sir,

The number of
Arrivals of American
Vessels at this port is
large, and increasing in
the annual number.

The amount of proper-
ty here belonging to
Citizens of the United
States is large; and the
interests of Citizens of
the United States at
this port are large, and
Constantly magnifying
in importance.

I regret to say, that
the distracted Condition
of the Country arising
out of the internal troubles
of the country continues,
and hence life and
property

To
His Excellency A. Burlingame
U. S. Minister
&c &c &c

property is less secure. The Chinese Insurgents are hovering around this Port and have been for months, and — threaten to attack and take Shanghai. They appear to be in possession of a large portion of this Province or at least to have overrun a large portion of it, and taken many cities and villages, and burnt much property, and committed many depredations on the lives and property of the Chinese. Nanking appears to be their Chief Seat of authority and has been for many years.

The other Treaty Powers have certainally in these Seas and at this Port more or less Naval Power, and the English and French, land troops in addition.

The Imperial Troops appear to be unsuccessful in repulsing the Insurgents to any decisive result. Indeed, it is apparant to my mind that without aid from the English and French authorities, the Imperialists would have been over-come by the Insurgents and Shanghai taken before this time.

In view of the foregoing I have to request an American man of war at this Port and to continue here, for the protection of the lives and property of citizens of the United States; and this view, I have to request you to bring this to the attention of the President at the earliest moment.

I have the honor
to be Sir
Your most obedient Servant
W. L. G. Smith
U S Consul.

No 10 Re 19 Apr 62

Acknowd
ans 19

Derrick

Shanghai Feb 7th 1862

Sir

I send you a paper which contains a decision of an English Prize Court at Hong Kong which may be in point if the discussion with England shall remain open when this arrives.

The mail is closing & I wished copy it. I have sent my regular dispatch, by the kindness of the French, in their army mail. to Paris, to be forwarded by Mr Dayton. This may arrive a day or two earlier

I have the honor

Hon. to be Sir

William H. Seward Your Obt. Servant

Secretary of State S. Wells Williams

SUPPLEMENT

TO THE

Overland China Mail, No. 121.

HONGKONG, 15TH DECEMBER, 1855.

ORIGIN OF THE REBELLION.

SUBJOINED is a translation of a very interesting memorial of Tsang Wang-yen, on the Origin of the Rebellion in China, which, though long, will repay perusal, and serve to shew that this country, like England, is greatly in need of Administrative Reform; the progress of the Insurrection in China being attributable to the same causes which have wrought so much wo to England during the present war,—the unwillingness of the governing powers to look into and redress abuses, and their indifference about putting the right men into the right places:—

TSANG WANG-YEN ON THE ORIGIN OF THE REBELLION.

[The following memorial has not been, and probably will not be, published. It was obtained, not without difficulty, from an Imperialist tradesman at Canton in whose shop it was seen lying. The author, Tsang Wang-yen is a distinguished member of the Han-Lin Academy. In former years he filled one of the higher clerkships in the Board of Revenue, was subsequently Executive Prefect of the Metropolitan Department, and, later, Commissioner of Finance for Fuh-Kien. The discovery of some immense deficit in the State Treasury, in or about 1839, led to the degradation of all whose official position ought to have made them earlier aware of the fraud or error detected, and Tsang Wáng-yen was cashiered with some two hundred others of various degree. It was about this time that he addressed a celebrated *Memorial* to the Throne, recommending government to close Canton and limit trade to Macao, there to be enjoyed by the Portuguese only; the many years' residence of this people at the port in question entitling them to such indulgence, so long as they traded for themselves alone, and not as the factors of other nations. If however the English repented them of opium, &c., the "Macao foreigners" might become their sureties. He was also made the medium of charges against Kishen and Lin for their want of energy and neglect of advantages, when Sir Hugh Gough advanced on Canton. The translator saw him at Shanghae last year, when on his way to Peking, whither he had been summoned by the Emperor—a plain, dignified old man, near seventy years of age, but vigorous and intelligent. He has been restored to rank as an expectant of the 5th grade, and will doubtless be gazetted ere long to some post of importance. His out-spokenness is not at all without precedent: general denunciations of official falsity and cowardice have been frequent even in this short reign, but unless some individual delinquent be pointed out, they rarely produce any effect.]

Your Majesty's servant Tsang Wáng-yen, expectant of a metropolitan office of the 5th grade, presents a memorial, in which he honestly declares the cause of the troubles in Kwang Tung; with reverence setting forth his limited views, he looks upward hoping for the Sacred Glance thereon.

The reason why brigandage, existing always and in all parts of the province, is now worse in Kwang Tung than it ever was before, is, simply, that for a series of years no steps have been taken against the members of lawless societies; the real criminals have never been apprehended; the facts have been utterly concealed or glossed over. Accordingly the ill-savour of brigandage has daily increased; lawless societies have daily multiplied. Gradually spreading to the provinces adjoining Kwang Tung, the evil has affected the whole empire; Kwang Tung itself is still as it were inundated by it. To speak of it is truly matter of pain.

The Sáu-Hoh Hwui (Triad Society) already existed as a denomination before the 1st year of Táu Kwáng, (1820), but its members were enrolled in secret, nor were their proceedings as yet such as to attract attention. In the 11th year of Táu Kwang (1831), the Censor Fung Tsáh-hiun reported that he had ascertained that, in five provinces, this society had its seals, flags, and registers. In reply to his memorial, the Imperial Pleasure was received, that [the guilty] should be sought for and punished; and although, not to mention the punishment of one gang [or case] in the province of Kwei Chau to which the aforesaid memorial did not relate, not a single seizure or prosecution was heard of in Kwang Tung or any of the other provinces [to which it did refer,] still [the society] did not as yet venture to throw off all restraint. In the 8th moon of the 23d year of Táu Kwang (1843), a thousand men or more, Triads and members of the Ngo Lung Hwui (Sleeping Dragon Society) fought together with arms in the village of Yung-ki, in the District of Shun-teh. Three of them were killed, but their lives having been lost in private feud of lawless persons, no report was made to the authorities, and they took no more notice of it than if it had never occurred.

In the 1st moon of the 24th year of Táu Kwang (February 1844) the feud revived, and members of both Triad and Sleeping Dragon Societies, natives of several districts, numbering some thousands, had a second fight at the village of Kwei-chau, in Shun-teh, in which above a hundred were killed and several hundreds wounded. The magistrate of the District, Han Fung-siang, who had but just taken charge, repaired to the spot as soon as he heard of the matter, and, having restored order, hurried to the city and made his report to the high authorities. They instructed him not to allow the thing to be noised abroad.

Some time after this, a representation was made by the Censor Chu-ki, in answer to which an Imperial Decree was transmitted [through the Council] directing enquiry to be made and punishment inflicted. On the receipt of this at Canton, the draft of an undertaking was made out and sent to the District Magistrate, who was to call on the gentry to sign it as if of their own accord, and thereby certify that there had been no affray with arms between members of such societies. The gentry refusing, the Intendant Kichingeh was sen to them. He repaired in person to the village of Kwei-chau, and constrained them to sign it, by threatening to report them to the Throne as recusants if they did not. At the same time he got up a story to the effect that, it being an annual practice with the people of the locality in question to form themselves into societies (*hwui*) with the object of outdoing one the other in the show made at their religious festivals, there had been a collision between some of the boats employed in a contest of this kind at Kwei-chau, but that the result had been merely an altercation, and not an affray. And from this time forth [the authorities] allowed no man to mention the words *hwui-fi* (*lit.* confederated villains, *sc.* lawless societies.) Thus, with sedition of an unusual character disturbing the country, they had the audacity so to dress the facts [as to make the substance appear to have] vanished utterly, [the chasm to have been] completely filled up. It was delinquency of this kind that was denounced by your servant, being then examiner-in-chief for the Metropolitan Prefecture, in a memorial presented by him in the 15th year, (1835.) He therein declared that in the increasing degeneracy of the official establishment, the members of which, in any and every case, were so intent on escaping the penalty [of mal-administration], that they never scrupled to keep their sovereign in the dark, he saw with alarm the progress of an evil, which ought in no wise to be allowed to extend itself. And it was doubtless owing to this [official delinquency] that the lawless persons in question lost all respect of the law: the high authorities, they argued, do not prohibit our enrolment in secret societies, and we are only too well pleased to enrol ourselves. Hence did the mischief, weed-like, spread throughout the province, and thence to Kwang Si, until it included, as at present, both Kiang Nan and Hu Nan.

In the autumn of the 24th year [1844] certain of these vagabonds belonging to other places came to the villages of Kiang-k'au and Lung-ta in your servant's native District, Hiang-shan, to entice people into the society. At first but a few score would assemble for the purpose, and by night; but in course of time bodies of several hundreds held their meetings publicly and in broad day. The rendezvous was always at a cross road, and here those assembled would post themselves with guns and smallarms, to keep off the troops, should any attempt to surround or seize them. Every new member on entering subscribed 300 cash, and members were allotted 20 cash for every recruit they induced to join. Members already sworn attending at subsequent meetings, which was termed "going to the play," were allotted each man 10 cash. When the new ones were sworn, a paper tent was set up, with a large horizontal label hung on the wall which the memorialist is unable to describe. By the side of it sat a man in white clothes and cap, who was called the Amá. The new members passed in by a sword-gate, (*i. e.*, under two swords crossed,) and kneeling down, were instructed by the Amá in the mystic language of the society. Each one pricked the tip of his finger with a needle till blood was drawn, and then took a sup from a bowl in which this blood was mixed with water. The Amá then with a loud voice read certain words of seditious import, responses to which were repeated by the whole of the initiated together. They then rose. The chief in degree at each place of meeting was styled the Red Staff, the second the Paper Fan, the third, Straw Shoes. The Red Staff might preside over some score, some hundreds, or some thousands of members. The prefecture of the provincial city, the outer prefectures, the districts, and village, were all recognised as the lodges of such and such a president; the lodge being considered a great or a small one according to the number presided over. The Red-Staff pretended to the title of *yuen-shwai*, generalissimo,* as he was styled in the secret language of the Society; the Paper-Fan, to that of *kiun-shwai*, general of a grand division; and the Straw-Shoes to that of *tsau-páu-t'ung-sin*, intelligencer-general. The military and runners attached to the official establishments were all members, and while the poor who knew no better were seduced to become so by their eagerness for a trifle of gain, some of the orderly agricultural population as well, and respectable people in trade, were forced to enlist themselves in self-defence against the persecution to which they were exposed. They found, however, that, even then, they were as liable to exactions as before; on every occasion they were called on to supply the funds; and as their treatment grew more and more vexatious, bringing with it repentance, which was now too late, they would have preferred, one and all, to face the authorities and denounce themselves. None of the official establishment, alas! would have cognizance of the matter. On the contrary, one ignored it in the other's interest, and the other in his.†

In the winter of the same year, some houses in the great South Street of the city of Hiang-shan, your servant's native District, were entered in broad day by a hundred and more Triads armed with swords, who threatened the dwellers, and kept them in until they had extorted money of them. It happened fortunately that Lin Kien, a magistrate chosen from among the twelfth-year masters,‡ having temporarily vacated his post to mourn for a parent, was at home in his district; he put himself at the head of the gentry of Sz'-ta, Teh-nang, and other places, and with them drew up a code of regulations, in which it was strictly laid down that any Triad coming from any other part of the country and attempting to induce men to join, as also any son or younger brother of any family in the aforesaid places who should enlist in the Triad Society, should be seized and delivered up to the authorities for trial and punishment. A proclamation was likewise obtained from the Imperial Commissioner Kiying, authorising the people to kill any persons committing robbery with arms, without fear of prosecution. But, though Hung Ming-hiang, brigadier of Chinese troops in Hiang-shan, and Luh Sun-ting, Magistrate of that district, did on different occasions seize Káu Wang-yuen, Chan Pei-kú, and Li Atwán, Triad leaders, who were so severely dealt with, that, for a time, little more was seen of Triads in Hiang-shan, yet they were punished only as if they had been robbers in the ordinary acceptation of the term: the authorities dared not utter the word *hwui*: and the consequence was, that not only throughout the majro and minor districts of the province were othre confederacies formed, and Triads enlisted in untold numbers, but even on the White Cloud Mountains, close to the provincial city, meetings for enlistment were held at all times and seasons; and from this period not only were merchants travelling by sea and land carried off and plundered, but walled cities and villages were entered, the pawnbrokers' and other shops as well as private houses ransacked; and their proprietors held to ransom. Notabove one or two in a hundred pawnshops formerly existing in this province now remain. When these things were complained of to the authorities, so far from immediately pursuing and capturing the guilty parties, they subjected the persons robbed to every description of annoyance; let many days pass before they had the scene of the robbery inspected; extorted fees for the employment of man and horse on that mission, of the complainants; until, in most cases, the latter kept their loss to themselves for fear of worse trouble, and not one robbery in a hundred was reported at all. Even where a gang or two was seized and punished, the case was modified as one of robbery; there was never any property that would have identified the prisoner as a Triad produced. But a more extraordinary circumstance is the following: when it was known that these lawless persons were in a particular locality, the military and police, instead of going in pursuit of them, would call on the gentry of the place in question to deliver them up; and when the gentry, being without either military or police at their disposal, were unable to do this, and the real delinquents had vanished to a distance, the local authorities would have the spirit-tablet, which represents the progenitor of a tribe in its ancestral hall, bound with chains, and carried it to the District court, there to be kept in durance.

By the empire's established law, provision is made that the man of crime shall be without descendants, but such administration of the law as this [now cited] in Kwang Tung, whereby crime is visited on the ancestors of a race, is indeed one of rare precedent. But while the Magistrates are going all lengths of illegality, no question is ever raised by the higher authorities. For instance, requisition is made in a criminal prosecution, not for the chief delinquents in particular, but for a certain number, who are to be delivered up; the really guilty having long before this betaken themselves to such a distance as will keep them clear of the case, a shift is made to complete the number required, by purchasing substitutes. Thus in the Tung-kwan case last year, there were actually blind men and boys of tender years sent up to Canton; nor were they released until the governor passed through his court, [to make inspection of the prisoners under sentence of death.] There is no saying what number of guiltless people have suffered the penalty (*lit.* the woe) of guilt. And this is a reason why the members of these societies are enabled to go forth and induce the people, incensed and execrating [their superiors], to join their ranks.

In the 27th and 28th years of Táu Kwang (1847-8) members of unlawful societies in hundreds and thousands, carrying tents and armed, took up whatever positions they pleased, first at one place and then at another, throughout the districts of Ung-yuen, Yü-yuen, Ying-teh, and Tsing-yuen, barring the ways, making prisoners, and committing robbery. The authorities feigned ignorance of this. In the 29th year (1849) they did proceed against some parties in Ying-teh and Tsing-yuen, but they still described them as outlaws of particular gangs, or as roving outlaws. On no account would they utter the word *hwui*. It was in view of this demeanour on the part of the authorities that these villains became more reckless than ever. They proceeded accordingly with their secret enlistments, and in the spring of the present year they commenced disturbing the prefecture of Cháu-chau. The districts of Lien-chau and Ying-teh were overrun by large bodies of them, committing robbery in all directions. In the 5th moon the city of Tung-kwan was lost, but subsequently retaken. The village of Ta-shih in Pwan-yü was harassed by these people, and before they could be exterminated, Fuh-shan, in Nau-hai, was regularly occupied by outlaws, while Liang-lung and Chin-tsun in Shun-teh, Kiang-mun and Lo-ti in Sin-hwui, and Shaping-yü and other places in Hoh-shan,§ joined in the cry. In the 7th moon the cities of the Prefecture of Sháu-king, and the Districts of Shun-teh, Ho-shan, Tsang, Tsung-hwa, Hwa, and Ying-teh, were all taken, and those of the Prefectures of Hwuichau, and of Sháu-chau and the major District of Lien-ping, invested; the government couriers and official communications being stopped along every line of road. Now, the outlaws from other provinces were not more than a hundred or a few hundred men, while those of Kwang Tung, turbaned in red and with banners of red, as a signal to their friends, were in bands of such force as to occupy positions. How could it have come to pass, unless enlistment had been going on for several tens of years before, that a rising in one place should have been responded to in so many others? that those partaking in it should have had the audacity to attack provincial cities and seize district towns? should have flood-like inundated [the land] as at present? All that he narrates has been witnessed in his own country by your servant himself; he is in no wise indebted to rumour for his information.

With matters at their present pass, it may seem difficult to handle them rightly. In the affair of the Tung-kwan District, however, your servant made the following observations. The Acting Magistrate Hwa Ting-tsiun, who had always been more or less popular, had been some days removed‖ from his office, when the troubles in Tung-kwan broke out; he was immediately reinstated as Acting Magistrate, and within a few days, the rebels of the District were hiding their heads,¶ those of other Districts had dispersed, and all was quiet. Your servant made a similar observation in the troubles which disturbed Hiang-shan, his native District. The acting Magistrate Kin Tsai-ying took charge of his post in the 3d moon. His frugal and unpretending habits readily inclined the people to him. On hearing of the disturbances in Tung-kwan, he went to different villages, and himself mustered and inspected the militia, bestowing handsome rewards on the more deserving. He also earnestly pressed on Si-hiang and Lung-tu the adoption of certain regulations, which Lin-kien, one of the gentry, had carried out in in Sz'-ka and Nang-teh, as also of some others respecting which a number of villages had submitted to him in a joint petition. Your servant is farther informed, that, when the alarm was fresh at Fuh-shan and in Shun-teh, and communications with the city were intercepted, this officer went day and night to the different river-ports, directing the gentry as to the method of defending their several localities; and that on several occasions he seized parties of spies to the number of some tens, who were immediately executed. Between the 10th and 15th of the 7th intercalary moon (about September 10, 1854), the outlaws seized Kiang-k'au (Kong-hau) in the north of the District, and beset the District city itself. The day after the investment had begun, he advanced at the head of the militia of Chang-chau, Yuen-fung, and Chang-ki, and at once relieved the city, killing several hundreds of the enemy. Several attacks, subsequently made from the west, were vigorously repulsed by the same Magistrate at the head of the militia of Lung-tu and other villages; and at Hiang-kioh and Hai-kau (Hoi-hau) he sunk several vessels and killed a hundred or more of the enemy. Again, when Yuen-fu, Chang-ki, and other places on the water east of the District city, were attacked, he headed the militia maintained by the safety committee of the District, sunk several vessels, and destroyed large numbers of the enemy.

The Magistrate in question, thus exerting himself with all his heart and with all his might, so won the affections of the literati and people, that not only did the well-conducted put forth their

* Lin or Low, chief of the Small Sword Society, who seized Shanghae in September 1853, styled himself Generalissimo for the Ming Dynasty.

† The crime should have been detected by the District Magistrate, by him denounced to the Prefect, by the Prefect to the Intendant, and so upwards; but the disclosure of matter so grave would have made some, if not all, punishable for its non-prevention. There was therefore an understanding that none should impeach the other for wilful concealment.

‡ *Ku-jin*, or Masters-of-arts, who have thrice failed at the Triennial Examination to pass as *tsin-sz'*, and have not as yet served the State, may present themselves at Court as candidates for official employment at the fourth. They are introduced by twenties, and, in each twenty, four are selected to serve as District Magistrates, and ten as officers of Instruction of Districts or Prefectures.

§ Hoh-shan, in Sháu-king Fu, is said to be the birth-place of Triadism.

‖ Removed, not for any offence.

¶ *Lit.*, sparing of their foot-prints.

strength in his service, but those who had been ever before unruly, repented them, and joined him in the destruction of the enemy, and in keeping him off, when he pressed on the District city. It may hence be seen that while there is one good man a magistrate, he will be able so to encourage the literati and the people, as to defend and preserve his jurisdiction.

Your servant observed the same thing in the troubles of Sin-hwui. The town of Kiang-mun was taken, and the District city besieged by the outlaws: but Ho Yoh-chung, a general officer past 70 years of age, who was residing in the District, of which he is a native, acting in concert with one or two gentlemen of energy, had laid in a supply of food, arms, and ammunition, long before the enemy appeared, and with some picked militia, made a stout defence of the city. He maintained strict discipline; and so found means, although the outlaws several times assaulted the city at all points at once, to beat them off with his artillery: after losing some thousands of men, they kept themselves at a distance. Thus is it that, if there be one gentleman of capacity in a city exposed to danger, he will be enabled to hold it.

In Nanhai, again, a joint effort was made by the gentry and people of 96 villages. Strict discipline was maintained amongst them, and the offers of the enemy, who would have purchased a way through their country, rejected. The enemy attacked them several times, but was always driven back by their fire with great loss. Thus did the effort of the loyal population of a single spot bar the passage of the rebel van.

Your servant observes that the chief and only object of the measures now being adopted is the dispersion of the members of these societies; [not their reform or restoration to useful purposes.] Would but the high authorities of the province, with sincerity and in a public spirit, make search in all directions, and assembling all persons, whether officials or gentry, whether of high or low estate, whom they might find it useful so to employ, cause them to deliberate together with the advantage incident to numbers in council; then, putting away all consideration of self, would they but listen impartially to the suggestions these might submit to them, employing as their own the talent that they found most commanding in the multitude; not esteeming themselves and depreciating others; but where efforts had been made by the gentry or the people, recommending them without reference to their status to the favour of your Majesty, and then making public to all men by proclamation throughout the poorer villages and retired hamlets, what encouragement had been bestowed on these,—your good subjects would be more than ever stimulated to exertion, and even the degenerate would repent and reform. It was told to your servant as he journeyed [to the capital,] that the object of these outlaws is plunder. But the booty taken being retained by the leaders, the multitude, who follow and are left without any, are consequently unable to obtain food; and as many are continually destroyed by the troops and militia, great numbers are penitent, and anxious to regain the right way without loss of time. The present then is an opportunity which it becomes more than ever a duty to seize, to invite the people, far and wide, [to come back to their allegiance,] and to console them; forgiving them the past, enjoining them to renew themselves. They should be authorised to return to their labours in the field, and such enquiry should then be instituted as would thoroughly effect a dispersion of these societies. The body once dispersed, the sanguinary leaders who might be left, and who are not above a hundred in number, might be exterminated without much difficulty: such men for instance as Chin Kwang-lung, Ho Aluh, and Kau Shi-teh, of Fuh-shan; Ta Chun-keih, Ying the mat-builder, Hia-chun Kwan (Kwan, the shrimp's egg,) A-kwa Sz', and A-shing San, of Shun-teh; Chin Afa-tsai, and Fung Tiau-tau-tsai (the head-wagger,) of Hoh-shan; Kau-shih-siang (the flea-elephant), single-eyed Chin, and Liang of the Little Bridge, of Kiang-mun; and Kiu A-kwaing, and Kiang Ahan, of P'wan-yü; with others who have got a name in the provinces.

But unless those in office combine in earnest with the upright gentry of their jurisdiction, they assuredly cannot discharge this duty. If in every thing there is to be concealment and misrepresentation; if a real effect be not the object sought; if the only aim of officials be the name of action without the reality—the satisfaction of their responsibility so as to answer the purpose of the moment only,—the end of these things cannot be told.

His feelings towards his home (*lit.* his mulberry and tsz' trees,) would not suffer your servant to refrain from exposing with sincerity the fountain of these troubles. With respectful earnestness he has put forth his limited views. It will be for Your Majesty to decide whether his suggestions can be adopted, and an Imperial commission sent to the Governor General and Governor of the jurisdiction to enquire into the facts detailed by him, and take steps accordingly."

He respectfully tenders his memorial, and prostrate prays for the sacred glance of your Imperial Majesty thereon.

** The text has been here very carelessly copied.

THE *GRETA* PRIZE CASE.

The following is the Judgment in the *Greta* Prize case, as published officially in the *Gazette*.

We subjoin to it some remarks which have been suggested by its perusal:—

VICE-ADMIRALTY PRIZE COURT OF HONGKONG.

Wednesday, the fourteenth day of November, 1855.

Before the Hon. ble John William Hulme, Esq., Judge.

The *Greta*, Thaulow master, Prize-Transport in the Service of the Enemy.

Judgment.—War having, on the 28th March, 1854, been declared by Her Most Gracious Majesty the Queen of Great Britain and Ireland against the Emperor of All the Russias—the Bremen Brig *Greta*, having on board two hundred and seventy Russian enemies, was, together with her cargo, on the 1st of August, 1855, seized by Her Majesty's Steam Sloop-of-war *Barracouta* in the Sea of Ochotsk, off the Coast of Sachalien, in Latitude 51 North, Longitude 146 East, while on a voyage from the port of Simoda in Japan, to the Russian port of Ayen, as being a Transport in the service of the Enemy, and consequently a lawful prize to Her Majesty, and brought into the Vice-Admiralty Prize Court of Hongkong to be adjudicated upon accordingly. The usual Monition having issued, a claim to the ship was put in by Lieutenant Thaulow, the master, on behalf of Captain Laun, a Bremen subject, as owner; a claim to the cargo was also put in by Pustau and Brodersen, natural born subjects of the King of Denmark. The Acting Queen's Advocate appeared on behalf of the Captors, Lieut. Thaulow in support of the claim to the ship, and Mr Green as counsel on behalf of the claimants of the cargo.

The facts, as disclosed by the principal witness, Lieut. Thaulow, Master of the *Greta*, corroborated (with one or two exceptions, which will be pointed out in their proper places,) by the First and Second Mates and a Seaman belonging to the *Greta*, coupled with the Ship's log and other documentary evidence, appear to be as follows:—

That the *Greta* was originally a British ship, built at Aberdeen in 1840, and at that time she went by the name of the *Jane Geary*—that in the year 1854 she was sold to Franz Knoop of Victoria, Melbourne—that in the same year, that is to say on the 1st November, she was resold by the said Franz Knoop in Hongkong, China, through his Attorney, Ludvig Augusde Lubeck, to one Eugen Laun, a citizen of Bremen, through his Agents, Messrs Pustau and Brodersen—that in March of 1855 she was chartered of Pustau & Co., the Agents of the ship, by Robert P. De Silver, United States' Naval Storekeeper, to take up a cargo of Naval Stores for the United States' Squadron at Hakodadi in Japan—that the said vessel, then going by the name of the *Greta*, sailed from Hongkong on the 22d of April 1855 on her voyage to Hakodadi in Japan, having on board the said United States' Naval Stores, and also a cargo of merchandize belonging to Pustau & Co.; who, it distinctly appears from the evidence of Lieut. Thaulow, the Master, had the direction and management with respect to the *Greta's* employment or trade, and with whom he, the Master, corresponded on the concerns of the vessel or her cargo—that she arrived at Hakodadi on the 18th May, and commenced discharging the American Stores on the 6th June, and completed the discharge on the 15th June. A small portion of Messrs Pustau & Co.'s cargo was also discharged or bartered at this port. While at Hakodadi, in consequence of some arrangement which took place, the nature of which does not appear, the *Greta*, instead of making the port of Hakodadi her place of destination, proceeded on the 21st June on a voyage to Simoda, also a Japanese port, and arrived there on the 4th July—on the 7th discharged some of her cargo, and on the 9th discharged the remainder of her cargo. This appears to be the case from the Log Book, but from the evidence of Lieut. Thaulow the remainder of the cargo was on board the *Greta* when she left Simoda for Ayen. While at Simoda, a Charterparty was signed for the carriage of two hundred and seventy Russian Officers and Seamen (who had been wrecked off that place in the Russian Frigate *Diana*) from that port, and also another Japanese port named Hada, to Ayen, a Russian port, for the purpose of enabling the said Russians to work their way home through Siberia. One copy of this charterparty was left with the Supercargo at Simoda, the other is in the possession of Lieutenant Pouschkine, the Senior Officer of the Russians: it was made on the 9th July last between the Supercargo and the Master and two of the Russians, of whom Lieut. Pouschkine was one. The ship was to receive Fifteen Hundred Pounds and Two Thousand Dollars for the service; bills on bankers in London or Amsterdam were given for these amounts, and left at Simoda (with the Supercargo, I infer.)

According to the evidence of the Master, Thaulow, all the Russian passengers were taken on board at Hada, to which he is confirmed by the evidence of the Seaman belonging to the *Greta*, while the First Mate states that twelve, and the Second Mate that ten, were taken on board at Simoda: but this is of no great importance. The *Greta* sailed from Simoda on the 10th July under American colors, and arrived at Hada on the 11th July, from which place she sailed on her voyage to Ayen on the 14th of that month, and was captured on the 1st August by Her Majesty's Steam Sloop *Barracouta*. The American colors were at the stern when the *Barracouta* came alongside. The Master ordered these colors to be taken down and the Bremen colors to be hoisted. According to the Master's evidence and that of the Seaman, there were no colors on board except the Bremen and American, while the First and Second Mates state that there was also on board the color representing the German Confederation. At the time of the capture, all the Russian passengers were down below, as the Master did not think that a British man-of-war would let them pass. The hatches were not closed,—a sail was thrown over them. It may be remarked, that the Log Book of the *Greta* is all but silent on the subject of taking Russians on board.

In looking at this evidence, it seems to me impossible to arrive at any other conclusion than that the *Greta* was at the time of her capture a Transport in the service of the Enemy—that she was guilty of fraudulent concealment, and was sailing under false colors—and that she is consequently, according to the course of Admiralty and the Law of Nations, subject to condemnation. Indeed no attempt is made by Lieut. Thaulow, the Master, on behalf of the owner, to deny the *Greta's* liability in point of strict law to confiscation; but an appeal is made to the sympathies of the Court, and it is urged that "the shipwrecked Russian Officers and Seamen became distressed Mariners on the Coast of Japan, and as such, were to be looked upon, not as enemies who had lost their vessel in battle with the British or French fleet, and who had taken refugeon shore to escape becoming prisoners of war; but were to be looked upon with sympathy as a fallen foe whom we were not allowed to abandon, but to whom we were to lend a hand to help them back to their native hearths." While entering my judicial disclaimer against any such doctrine, (although individually deeply regretting the suffering which the prisoners may have undergone, and lamenting, in common with all, the miseries which have arisen out of the present unfortunate but necessary war,) let me see where the sympathy of either the owner of the ship or cargo is to be discovered? and no where do I find the sympathetic feeling so strongly developed as in securing the sums of fifteen hundred pounds and two thousand dollars for the conveyance of these unfortunate men to Ayen.

I now proceed to the consideration of the question of the claim set up to the cargo on the part of Messrs Pustau & Co. It is urged by Mr Green as their Counsel, that, even supposing the ship to be condemned, still the cargo, as being the property of an innocent and distinct owner, would not be liable to confiscation—and for this he cites the case of the *Staadt Embden*, 1 Cr. Rob. 30. He also cites the cases of the *Susan* and the *Hope*, 6 Cr. Rob. 462 and 463 *in notis*, for the purpose of shewing, that even where the owner of the ship and cargo is the same person, still, if he was ignorant of the illegal shipment by the master which renders his ship subject to condemnation, his cargo (being unrepresented) would not be liable. To render these cases applicable, the innocence of Messrs Pustau & Co. must be established. It is further urged, that the present question has been placed beyond discussion by Her Majesty's Declaration of the 28th March 1854, in which Her Majesty renounces all claims to the confiscation of neutral property found in Enemies' ships, and *a fortiori* in neutral ships. The observation just made with respect to the cases cited equally applies to this Order in Council. Do Messrs. Pustau & Co. stand in the light of strict neutrals? I think it will be found that the case of the *Atalanta*, also reported in 6 Cr. Rob. 440, has a stronger application to the present circumstances, and which will presently be more fully noticed; but before doing so, and before enquiring into the course pursued by Messrs Pustau & Co., it may be proper to advert, to some of the general principles which govern the administration of Prize Law. One of these general principles is, that "if a "native of one country resides and carries on trade in "another for some time, his national character is that of "his domicile, not of his birth"—the *Johanna Emilia*, Spinks, Ecl. and Ad. Rep. 317-320. And again in the same volume of reports in the case of the *Ann*, 347-349, it is said, "the rule of law is, that in time of war the person "takes the national character of his residence." The same general principle will be found laid down in Pratt's "*Story*," 59, where various authorities of a somewhat earlier date are cited. Again, in the same work, p. 69, it is said to be a fundamental principle of Prize Law, that "all trade with the Enemy is prohibited to all per-"sons, whether natives, naturalized citizens, or foreigners, "domiciled in the country, during the time of their resi-"dence, under the penalty of confiscation"; and also, that "as a general principle, no citizen or subject can be "admitted to claim in a Prize Court where the transac-"tion in which he is engaged is in violation of the muni-"cipal Law of his country"—*ibid.* 20, 21; although this rule is not to be applied to *foreign* neutral proprietors, 59, 52. Messrs. Pustau & Co. have been domiciled and resident in the British Colony of Hongkong carrying on trade as merchants for upwards of eleven years. Let us now see whether their conduct has been that of innocent neutrals. My own notion of neutrality is, that a party, to entitle himself to the privilege of a neutral so as to claim restitution of his cargo, should be totally free from all concert, connivance, or participation in, that transaction the illegality of which leads to the condemnation of the ship. How far do Messrs Pustau & Co. bring themselves within this principle? It appears that on the 9th July, they, through their Supercargo and through the Master of the *Greta*, entered into a Charterparty for the conveyance of Russian enemies to a Russian port to enable them to find their way home. It is this very Charterparty, to which Messrs Pustau & Co. are so instrumental, which converts the *Greta* from a state of neutrality into a state of hostility, after which they still continue their cargo on board. How then can it be said that their conduct has been that of innocent neutrals? It appears rather that they bring themselves within those general principles of law which have already been adverted to, and they have no right to come into this Court and claim restitution of their cargo.

And now let me call attention to the case already alluded to—the *Atalanta*. In that case, certain Despatches from the Governor of the Isle of France to the Minister of Marine at Paris were, during the time of war, taken on board the Bremen ship *Atalanta*, a neutral vessel, by the Master and one Supercargo, and afterwards found, on her capture, concealed in the possession of a second Supercargo. It is true that in that case the owners of the ship and cargo were the same, but Lord Stowell, then Sir William Scott, in his judgment expressly disclaims condemning the cargo upon this ground alone. Having already condemned the ship, he goes on to say, "Then comes the other "question, whether the penalty is not also to be ex-"tended further to the cargo, being the property of the "same proprietors—*not merely, 'ob continentiam delicti,' "but likewise, because the representatives of the owners "of the cargo are directly involved in the knowledge and "conduct of this guilty transaction?* On the circum-"stances of the present case I have to observe, that the "offence is as much the act of those who are the consti-"tuted agents of the cargo, as of the Master who is the "agent of the ship. The general rule of law is, that "where a party has been guilty of an interposition in "the war, and is taken *in delicto*, he is not entitled to "the aid of the Court to obtain the restitution of any "part of his property involved in the same transaction. "It is then said that the term 'interposition in the war' "is a very general term, and not to be loosely applied. "I am of opinion that this is an aggravated case of "active interposition in the service of the enemy, con-"certed and continued in fraud, and marked with "every species of malignant conduct. In such a case I "feel myself bound, *not only* by the general rule '*ob "continentiam delicti*,' *but by the direct participation "of guilt in the Agents of the cargo.*" Both ship and cargo were accordingly condemned. These observations, for the most part, appear to me directly applicable to the present case.

I have been requested by Mr Green, on behalf of Messrs Pustau & Co., that, even should I feel myself constrained to condemn both the ship and cargo, still that I will express it as my opinion, that the *Greta* left this port without any idea on the part of Messrs Pustau & Co. of aiding the Enemies of Great Britain. I am perfectly willing so to do, being satisfied that, notwithstanding any irregularity in the *Greta's* papers or colors, up to the time of her arrival at Hakodadi, they acted with the best intentions and in perfect good faith—but I regret that, from the time of her arrival there, every step which was taken meets with my entire disapprobation; and I cannot help feeling that Her Majesty's Government had a right to expect a different line of conduct from gentlemen, who tell you upon their oaths, that for upwards of eleven years they have received the protection of the British Flag and enjoyed the blessings of the British Constitution.

I must therefore pronounce *both Ship and Cargo subject to condemnation.*

—*China Mail*, November 22.

In one respect the judgment in the *Greta* prize case must be highly satisfactory to all parties, evincing, as it does, that the recent illness of Chief Justice Hulme has not impaired his controversial vigour. With the exercise of that vigour the losers are not we believe equally satisfied; not so much, however, at being deprived of the vessel and cargo, as at the terms used towards themselves.—Captain Thaulow in having his plea of humanity turned to ridicule, and Messrs Pustau & Co. in asking for fish and getting a serpent. Whether or not the rebuffs are deserved, they were in one sense called for by the parties themselves.

While the case was in dependence, we had heard the humanity argument made use of, and took the liberty of suggesting that it had much better not be urged, for it would certainly be treated very much as the Chief Justice has treated it; but in addition, it has thrown an air of ridicule over Captain Thaulow's case, which it hardly warranted; as we believe will be generally admitted upon a perusal of the following outline of his defence:—

Captain Thaulow sets out by stating that his vessel having been taken from him, he has not the means at his disposal of employing counsel, and as his knowledge of English is not sufficiently perfect to enable him to argue the case verbally, he begs leave to submit a statement in writing.

The statement, through evidently the production of a foreigner, is written in abundantly clear and even expressive English. Asserting that the *Greta* is not the property of the enemies of Great Britain and France, he gives a brief narrative of her history up to the period of her capture, essentially the same as that which appeared in No. 553 of the *China Mail*, September 20,—that she was British built, and bought by Captain Laun of Bremen, who put her under command of Mr Thaulow, he himself proceeding home, where he hoped to get a Bremen flag for his vessel. In the meantime, she was chartered by the U. S. Government to carry stores to the Surveying squadron at Hakodadi, filling up with cargo from Messrs Pustau & Co. for sale in Japan. Having no other papers besides the Bill of Sale and the Port Clearance of the Hongkong Harbour Master, Captain Thaulow—

"Considered it an advantage for the greater safety of the brig in the Japanese waters to obtain a United States of America sailing letter, which Captain Rodgers so readily granted, as he was desirous that the commercial operation in Japan intended with such goods as were by Messrs Wm. Pustau & Co. placed on board the *Greta*, should be carried on under American colors."

Captain Thaulow does not pretend that the Sailing Letter authorized the use of the American flag after leaving Japan for Ayan; but he asserts that—

"The *Greta*, if entitled under a sailing letter to hoist the United States colors, remains equally the property of a neutral under the bill of sale to Eugen Laun, a citizen of Bremen."

He then goes on to say,—

"The *Greta* was engaged in the service of the enemies of England and France, by carrying 280 men of the shipwrecked crew of the Russian Frigate *Diana* from Heda in Japan to Ayan, a fishing village on the sea of Okotsk.

"It is the soil where the cradle of my shipwrecked 280 passengers stood, that constitutes them the enemies of England and France. It is their calling as part of a crew of a Russian frigate that, above all, constitutes them the enemies of England and France. But, my Lord, when an earthquake destroyed the Russian frigate, the men on board became distressed mariners on the shore of Japan, and as such they are (to be) looked upon, not as enemies who lost their vessel in a victorious battle of the British or French fleet, and who took refuge on shore to escape becoming prisoners of war. I submit, my Lord, that they are to be looked upon with sympathy as a fallen foe, whom we are to lend a hand to help him back to his native hearth."

Captain Thaulow, after referring to the privations in the matter of diet which the unfortunate men had suffered for eight months, and earnestly deprecating a similar fate to a British crew, proceeds to state and illustrate the conditions on which he agreed to remove them:—

"About thirty men were landed as sick at Ayan by Commodore Elliot,—a circumstance to an extent showing that Commodore Elliot did not feel certain that these distressed Russians were prisoners of war. And it is from such a position that I was prevailed upon by the united persuasion of the Japanese authorities and the United States' Officers of the Surveying Squadron, as well as by my own feeling of sympathy, to carry the shipwrecked men of the *Diana* to their native shore. I entered on the engagement under these stipulations,—

That no Arms or Ammunition or Contraband of War should be taken on board;

That I would not bring them to Petropoulsky nor to the Amour river, nor to any fortified place; and I agreed to Ayan, being assured upon parole by the senior officer of the *Diana*, that the Russians had no gun at or near Ayan, and that the nearest station for them to get relief was a distance through jungle and forest of at least 1000 miles.

By making such stipulations I have believed that I might carry the 280 shipwrecked Russians to the barren coast of Okotsk without subjecting the vessel under my charge to a seizure for breach of neutrality. A breach of blockade I have not attempted, no blockade having been notified. I have been told, without being able to ascertain particulars, that a precedent exists during the war between England and Spain, of two British vessels of war having been disabled in a hurricane off the coasts of Cuba, and when brought into Havana as prizes, the authorities refused to take advantage of a distress caused by a visitation of Providence, and after refitting the vessels, sent them with their crews back to England with a passport that they were not to be molested by Spanish cruizers."

Captain Thaulow does not specify the authority for the case he refers to, and as the Judge takes no notice of it, we presume it is not given in law reports. The Havana case is to be sought for in the history of our war with Spain, during which another instance is said to have occurred in Spain,—referring perhaps to Admiral Collingwood's letter to his father-in-law, after the battle of Trafalgar, in which, speaking of the conduct of the Spanish authorities and people, he states that, "Our officers and men, who were wrecked in some of the prize ships, were received like divinities." This may not be regarded as pat to the Russians and the *Greta*, but at any rate it shews that an enemy could afford to be generous, even without an Order in Council expressly intended to "lessen the evils of war."

During the time Captain Thaulow was in Japan, his knowledge of Dutch was made freely available to the British men-of-war preparing for the enemy; and this fact he adduces in proof that he was not inimical to them, or nationally biass'd in favour to the Russians,—

"That I am not animated by an inimical feeling towards Great Britain, I have given ample proof of by services rendered gratuitously by me as Interpreter to several of H. M. ships in Hakodadi, and in particular to Sir William Hoste when the *Spartan* was to be supplied with provisions and water, to immediately proceed by order of His Excellency Admiral Sir J. Stirling to Castries Bay, to intercept the Russian squadron.

"By birth and education a Schleswig-Holsteiner, during the war against Denmark, I became an officer in the German Navy. At the dissolution of this Navy, I was admitted as first mate on on board the Bremen ship (late German Corvette) *Deutschland*; my later position as a master of the Bremen brig *Greta* is known. I have no ambassador whom I can expect to take up my case, which must stand upon its own merits, and I submit it to the decision of this high court, that, placed as I was in quite an exceptional position, I have acted towards the shipwrecked Russians as, under the same circumstances, I should likewise consider it my duty to act towards shipwrecked British or French."

Reference is made, on the authority of the "newspapers," to the treatment of Russian merchant seamen during the present war, who however are not the same as the crew of a man-of-war; but there is some force in the distinction pointed out between English and Russian fighting men,—

"I have seen in the newspapers that the crews of captured Russian merchant vessels have been landed on the Finnish coast. Different from England, where every man voluntarily enlists and makes himself the personal enemy of the Russian, in Russia, Prussia, Austria, France, &c., every man is liable to be called out to serve as a soldier; in fact every healthy male is a soldier, and consequently those men landed voluntarily by the British forces on the Baltic shores are to the same extent enemies of England as those shipwrecked men without arms, my passengers from Heda to Ayan. If these men in the Baltic by the High Admiralty of England are not looked upon as enemies, I beg to plead an exception in my favour, that I did not carry the enemies of England, but the distressed crews of a shipwrecked vessel."

In a brief paragraph Captain Thaulow states that the risk of seizure was not covered by the amount of the charter-party, had it even been paid in hard cash; and his averment that he never contemplated seizure is farther borne out by the circumstance of his having retained valuable cargo on board, and left his supercargo, in charge of the rest, in the same helpless condition from which he was endeavouring to extricate the Russians:—

"The amount of charter from Heda to Ayan is by no means adequate to cover the risk of seizure of my vessel, which I never contemplated as possible. Besides the payment by British Bankers of a Bill of Exchange £1500 on Baring Brothers & Co. in London must appear contingent upon the decision of this High Court."

We conclude our extracts from Captain Thaulow's statement by his appeal to the liberal spirit of the Queen's Order in Council of March 28, which, however graciously conceived, has not yet had the effect of disturbing the more stringent traditions of our Prize Courts,—

"Her Majesty's declaration respecting neutrals dated Westminster, 28th March, 1854, evidences the liberal spirit by which the evils of war are to be lessened, and I respectfully pray your Lordship to allow this spirit of liberality to influence your decision in favour of a neutral."

So much for Captain Thaulow's case.

A closer inspection of the Judgment than we were able to give it when first shewn to us, raises a doubt that the precise position of Messrs Pustau & Co., throughout the transaction had not been clearly explained to the Court; and as upon the right or wrong apprehension of that point their case in no small measure seems to have turned, we shall state what occurs to us on the subject,—premising that we offer no opinion on the law as laid down by Mr Hulme, or on the apparent disregard shewn to the recent Orders in Council framed ostensibly "to lessen the evils of war," in the matter of prizes.

The Chief Justice having been asked to "express it as his opinion that the *Greta* left this port without any idea on the part of Messrs Pustau & Co. of aiding the enemies of Great Britain," says in the closing paragraph,—

"I am perfectly willing so to do, being satisfied that, notwithstanding any irregularity in the *Greta's* papers or colors, up to the time of her arrival at Hakodadi, they acted with the best intentions, and in perfect good faith."

The exoneration is ample, so far as it goes; "but," continues the Chief Justice,—

"I regret that from the time of her arrival there, every step which was taken meets with my entire disapprobation; and I cannot help feeling that Her Majesty's Government had a right to expect a different line of conduct from gentlemen who tell you upon their oaths, that for upwards of eleven years they have received the protection of the British flag, and enjoyed the blessings of the British constitution."

The *orerotundoism* of this indignant objurgation cannot be accepted in lieu of sound argument. When we first read it, knowing that neither Mr Pustau nor his partner had accompanied the ship to Japan, we presumed the Judge must have taken a legal view of their responsibility, and, according to the maxim of law "*qui per alium facet per seipsum facere videtur*," held them liable for the acts of their agent. But as it is not alleged that the *Greta* left this port with any instructions from Pustau & Co., and the Chief Justice does not believe that there was "any idea on their part," to aid the enemies of Great Britain, perhaps merely a legal responsibility hardly called for such a rebuke.

If however the Judge did not take a merely technical view of Pustau & Co.'s position—as his reasoning cannot be supposed to be totally unfounded—he may possibly have been under the impression either that one of the partners accompanied the vessel to Japan, or that, notwithstanding the admission of their perfect good faith up to that point, its movements and deviations from its original purpose were directed by Pustau & Co. in Hongkong. For in the 6th paragraph of the Judgment we find that Pustau's counsel had urged, upon the authority of cases cited, that "if the owner was ignorant of the illegal shipment by the master which renders the ship subject to condemnation, his cargo would not be liable." The relevancy of the precedents on the point is not denied; but, adds the Judge, "To render these cases applicable, the innocence of Messrs Pustau & Co. must be established." Why, he himself admits their innocence up to the time of the *Greta* arriving at Hakodadi, and, according to the authorities cited, the acts of their *agent* there did not render *their* property liable to confiscation.

But then the Judge assumes "that they, through their Supercargo, and through the Master of the *Greta*, entered into a charter-party for the conveyance of Russian enemies to a Russian port;" and it is added,—

"It is this very charterparty, to which Messrs Pustau & Co. *are so instrumental*, which converts the *Greta* from a state of neutrality into a state of hostility, after which *they* still continue their cargo on board."

So far as is shewn, either in the Judgment, or in Captain Thaulow's statement,—Pustau & Co.'s or their Counsel's we have not seen—the charterparty was the act of the Master exclusively, and Pustau & Co. were *not at all* "instrumental" to it; while their instructions to Captain Thaulow shew that it was not contemplated by them. The Judge's reason for thinking otherwise seems to be, as stated in the 3d paragraph of the Judgment, that,—

"According to the evidence of Lieut. Thaulow, Pustau & Co. had the direction and management with respect to the *Greta's* employment or trade, and with them the master corresponded on the concerns of the vessel and her cargo."

The inference shews the impropriety of taking a foreigner's evidence without an interpreter. Captain Thaulow evidently referred to Messrs Pustau & Co.'s general control over the vessel and himself and what, after the vessel left Hongkong, could exist only in the letter of instructions, which has either never been seen or entirely overlooked by the Judge. That letter directs Captain Thaulow to proceed to Hakodadi and deliver the stores to the purser of the *Vincennes*; but if the U. S. squadron were not at Hakodadi on the 20th of June, the extreme date allowed for the passage of the *Greta*, then the stores were to be taken to Shanghae or brought back to Hongkong. Captain Thaulow is told that among the papers delivered to him is a sailing-letter of Capt. Rodgers of the *Vincennes*, and in conformity with the understanding with that officer, the *Greta* was to sail under the American flag in the vicinity of Japan,—an obligation to be in force until the stores were discharged and the charter at an end. The fulfilment of the charter with the U. S. Government is stated to be the main duty of the ship; secondary to which was the disposal of the goods put on board by Pustau & Co., under the more immediate charge of Mr Lübdorf as supercargo. Arrived at Japan, the master and he were to determine on the advisability of opening a barter trade, or of bringing the venture back to Hongkong; and if nothing better could be done, it was suggested that at least some masts and spars might be procured. It was hoped however, that Capt. Thaulow might be the means of paving the way to a trade with Japan; and with this view he was instructed, in case of failure at Hakodadi, to try one or more other ports; and finally, he was expressly enjoined to leave the coasts of Japan not later than the 1st of September, and to bear in mind that he was to do what he could to protect the property of Pustau & Co.

There is no allusion whatever to engaging the vessel as a Russian transport, and the nature of the instructions shew that such employment could not have been contemplated. Nevertheless the Judge holds Pustau & Co. to have been "so," that is, mainly, "instrumental to the charter-party," and to have "corresponded with the master on the concerns of the vessel and her cargo," of course after her arrival at Hakodadi; for up to that time Pustau & Co. are adjudged to be blameless, so that it must have been subsequently that their liability as owners of the cargo originated. But, 1st, it appears that the charterparty made by the master without consulting them would not warrant the condemnation of their cargo; 2d, it is not alleged, and is not true, that a member of the firm accompanied the vessel to direct its employment in trade; 3d, it is clear from the letter of instructions that Pustau & Co. did not contemplate the charterparty to the Russians, which moreover Captain Thaulow avers to have been his own act; and finally, the dates as stated in the Judgment, of the arrival of the vessel in Hakodadi, of discharging her stores, and of the charter-party, demonstrate that in the interim the master could not have "corresponded on the concerns of the vessel and her cargo" with Pustau & Co., unless, as is certain was not the case, communications were kept up by what the Chinese term "fiery express."

We therefore arrive at the conclusion, that, if the condemnation be good in law, it is unsound in argument; and now that the Judge's Commission has been published, as neither the *Greta* nor her cargo "belonged to the Emperor of All the Russias, or to his subjects, or to any others inhabiting within his countries, territories, or dominions," it may reasonably be doubted that the case came within his jurisdiction as Prize Judge, which has no existence except by virtue of the Commission.*

* The objection was raised by Dr Twiss in the English Prize Court in July last, and though it was overruled by Dr Lushington, the Judge, his manner of doing so indicated that the objection was new, and could hardly have been started had the terms of the Commission not also been new. A Court of Appeal might take a different view of the matter, as well as of the Queen's Order in Council, which also was brought, by Dr Addams, to the notice of Dr Lushington, on the occasion referred to, where, however, it was less applicable than in the *Greta* case.

To the Editor of the "China Mail."

HONGKONG, 11th December, 1855.

DEAR SIR,—In your review of the judgment of the *Greta* case, you give correctly the outline of Messrs Wm. Pustau & Co.'s letter of instructions to me, which any impartial person must agree with you in thinking has an important bearing in the case; so much so, that it seems very desirable it should appear entire, and if not encroaching too much on you, I would consider it a favour if you would kindly make room for it in your next paper. It will further oblige me to allow me the opportunity of remarking and confirming the declaration, that these instructions were the only ones I received from Messrs Wm. Pustau & Co., and that on my departure for Japan, neither I nor Mr Lubdorf had any intention whatever of assisting the enemies of Great Britain; but that on our arrival at Japan, from our personal view of the condition in which the shipwrecked Russians had been placed for many months, and by urgent persuasions, made-and elsewhere, I concluded to undertake the voyage to Ayan, for which alone I am responsible, and about which Mr Pustau knew no more than did Chief Justice Hulme till the *Greta* returned as a prize of war to Hongkong harbour.—Your most obedient servant,

G. THAULOW.

(*Translation of Letter of Instructions—original in German.*)

Capt. G. THAULOW,
Brig "Greta," pro tempore in Hongkong Bay.

HONGKONG, 22d April, 1855.

The *Greta* being now ready loaded for you, I hand you herewith the Manifest and the copies of Bills of Lading, and confirm in writing the verbal instructions given to you.

The main object of the voyage of the *Greta* is this,—from Hongkong to proceed to Hakodadi, there to deliver the goods of the U. S. government to the Purser of the U. S. frigate *Vincennes*, in conformity with Bills of Lading and Charterparty.

In the latter you find the clause added that the freight has been paid here with $3,000. Your source not having handed in a memorandum of measurement, you will have to ascertain on board if the total quantity of goods for the U. S. government (besides 100 tons of Coals) exceeds 3½ tons of 40 Cubic feet each, in order that any excess over and above 300 tons be paid to you by the Purser of the Vincennes at the rate of $23 per ton.

Amongst the papers delivered over to you, you find Sheet Sailing letter of Captain Rodgers of the *Vincennes*, with a translation into the Dutch; and in conformity with the understanding with this officer, when in the vicinity of Japan you are to sail under the American flag. You are to conform to the obligation to sail under American flag until the goods of the U. S. government shall have been discharged and your charter shall have terminated—on which latter account you require a clean receipt on the bill of lading.

It will be a matter of your discretional decision whether, under existing circumstances in Japan, a prolonged use of the American flag in the Japanese waters is operated by prudence.

On the part of Purser Sayre, the verbal assurance has been given to me that for the discharging every assistance will be rendered to you by the U. S. men-of-war. I hope this will be the case, and that you will succeed in gaining from the officers with most cordial feelings.

In the not expected case that the American vessels of war are not met with at Hakodadi, and even to the 15th or 20th June do not arrive there, then it becomes your duty to bring the goods for the U. S. government either to Shanghai or to Hongkong for delivery to the U. S. N. Steamer. If you succeed in making an average short voyage, then it is not to be feared that you will miss the U. S. Surveying squadron.

Next to the main obligation to fulfil the charter for the U. S. government, follows the secondary one to endeavour to effect a sale in Japan of the goods of commerce on the Bills of Lading No. 2 & 3. The specified invoices are entered into an Invoice book, and they will inform you minutely about the value of the merchandize, and with the assistance of Mr Lübdorf you will easily form your opinion whether an exchange of the goods becomes desirable, or whether returning the same to Hongkong is preferable.

On this point exact Instructions cannot be given—you have to act upon your own discretion, bearing in mind the multifarious conversations which you have had with me on this subject.

I must express a wish that you return to this as early as possible; but development of trade being in its infancy, a longer stay in Hakodadi, and perhaps also in one or two other ports in Japan, may become desirable; and I will therefore not restrict you any further than to make it your duty to leave the coasts of Japan for Hongkong not later than the first of September.

If nothing else is obtainable, then I trust you will succeed in bringing back some masts and spars, which have always some value here.

Whether a favorable opportunity will offer to you to pass the way of commerce with the Japanese, sooner or later it must be done.

I wish you to bear in mind, in case of accident, that you have to care for the cargo in such manner as you can to protect my property.

With the sincere wish that your voyage may be in every respect a happy one, I anticipate the pleasure of interesting communications, which I beg you will tenderly in a diary. Every kind of curiosities which you bring back will of course be welcome. A happy return.—Yours,

WM. PUSTAU.

YANKEES AND RUSSIANS.

To the Editor of the "China Mail."

HONGKONG, 27th November, 1855.

SIR,—It would be very satisfactory if our Naval authorities would furnish the public with some account of what happened recently in Castries Bay. Rumour is apt to magnify the disaster, so much so that one report gives 19 killed and 10 wounded, while fortunately a more probable account is that nobody was killed and only 5 wounded. In the same manner Commodore Elliot was alleged to have been made a prisoner by the Russians, while it turns out he was only very near it. Another item of no small public interest, is, why the American barque (*Behring*) said to have been found at Castries Bay with stores partly discharged—why she was not looked upon like the Bremen brig *Greta*, as engaged in the service of the enemy, and closely overhauled, if not brought to Hongkong for adjudication in the Prize Court. No doubt in that case the American authorities might be expected to have a word to say about the logic of the judgment, which probably the Bremen authorities will not venture upon; but that could not have been a matter of consideration with any naval officer.

Strange as it may seem, four or five American vessels are known to have assisted the Russians in quite a different spirit from the *Greta*, and neither the *Young America*, *Caroline E. Foote** (carrying the Russians with arms and accoutrements), *Leocrit*, *Wm. Penn*, *Palmetto*, nor *Behring* have been brought in for trial; but the Bremen brig *Greta*, with 200 shipwrecked Russians entirely unarmed, is brought in and condemned, both vessel and cargo. How is this to be accounted for?—Yours truly,

Q.

* The Caroline E. Foote is said to be libelled at San Francisco by the crew for breach of articles, which did not include the trip to Petropaulsky; another libel is threatened by the Russian Consul for breach of charter-party; and a third libel for payment omitted of certain Japanese goods.

—*China Mail*, November 29.

NAVAL COURTS MARTIAL.

The following trials by Naval Court Martial, took place on the 29th and 31st October:—

FRANCIS HOGGAN—Musician, *Pique*, for lifting up a weapon (an 'axe) and attempting to strike his superior officer (the Carpenter.) Found guilty—Sentenced to be dismissed the service, musket of time, pay, and prize money, and to receive 30 lashes.

Lieut. GEORGE H. MAXWELL, 2d Lieut. *Pique*, for having been repeatedly in a state of inebriety between October 1854 and the date of the court, and for having on the 5th October last been drunk when officer of the watch. Pleaded *guilty*—Sentenced to be dismissed from his ship and placed at the bottom of list of Lieutenants. N.B.—Proceeds to England by the *Spartan* and the Grecian.

THOMAS WILSON, Assistant Surgeon, *Rattler*, 3d. For unofficer-like conduct to Lieutenant Wrey, in collaring him and placing himself in an attitude to fight. 2d, for being drunk on that occasion (October 11.) 3d, for refusing to obey Lieutenant Wrey's orders when ordered below under arrest. 4th, for assaulting a sergeant and two marines in the execution of their duty (trying to put him in irons.)—Found guilty on all the charges, except as much of the first as refers to collaring Lieutenant

Wrey, which was not proved.—Sentenced to be mulct of all time, pay, and prize money, imprisoned for 12 months in a gaol in England, and then dismissed the service. *N.B.*—Still detained a prisoner on board the *Rattler* at Whampoa.

Lieutenant Wm. Hugh Phipps, 1st Lieut., *Nankin*, for writing an insubordinate and disrespectful letter to his Captain (in which he applied the word "outrageous" to his behaviour); and 2d, for insulting and disrespectful conduct to his Captain in his cabin. Pleaded *guilty*—Sentenced to be severely reprimanded. *N.B.*—Will probably be invalided.

—*China Mail*, November 15.

EMPLOYMENT FOR THE FLEET.

To the Editor of the "China Mail."

Hongkong, 28th *November*, 1855.

Sir,—I hear that a considerable portion of the Fleet are about to take a stroll through the Indian seas—for the purpose, I presume, of acquiring the extra pay allowed to H. M. vessels by the E. I. Company; and perhaps, should the necessity arise, to practise wood-cutting without danger from Russian sharpshooters.

Does it not strike you that the engineers and artisans of the fleet might be better employed—say in the construction of mortar and gun-boats for the campaign of 1856? Should the Russians, as may be expected, fortify themselves in the Amoor, vessels of the class of the *Nankin* and *Sybille* will not be found suitable, and again another year will be lost, or serious casualties incurred. I do not for a moment suppose that the present chiefs will be in command next year, if indeed they are allowed to remain in the service. To assist however in repairing the errors of the past, they might employ their inventive powers in providing suitable means for the work, which, through their incompetency, (a more appropriate though more severe term might be applied,) still remains to be done.—I am, &c.,

NEMO.

—*China Mail*, November 29.

LAND SALES.

The following is the Return of the Land Sales of the 1st and 2d October—omitted at the time; together with that of the 16th instant:—

1*st and* 2*d October*, 1855.

No. of Lot.	Purchasers.	Annual Rent.	Premium.
M. 96	R. Riensecker,	£52 10 0	$900
„ 97	W. T. Bridges,	52 10 0	1,050
„ 98	Do.,	78 15 0	1,776
I. 489	Do.,	17 10 0	180
„ 490	A. Berenhart,	17 10 0	145
„ 491	Do.,	17 10 0	160
„ 492	Cheong Asaow,	17 10 0	130
„ 493	R. Riensecker,	17 10 0	130
„ 494	A. Fletcher,	24 7 10	5
„ 495	Do.,	35 0 0	5
„ 496	Do.,	39 10 6	....
„ 497	Do.,	35 0 0	....
„ 498	Cheong Asaow,	22 10 0	....
„ 499	Do.,	24 0 0	....
„ 500	Loo Ahong,	30 15 6	....
„ 501	Cheong Asaow,	35 0 0	540
„ 502	Do.,	35 0 0	75
	Totals,	£570 10 6	$4,975

From 96 to 498 sold on the 1st—from 494 to 502 sold on the 2d.

16*th November*, 1855.

No. of Lot.	Purchasers.	Annual Rent.	Premium.
I. 503	C. D. Williams,	£11 14 0	$10
„ 504	W. A. Harland,	11 14 0	0
M. 99	Douglas Lapraik,	92 12 0	3,000
„ 100	Do.,	92 12 0	4,000
„ 101	R. C. Addrebus,	30 0 0	5,810
„ 102	G. T. Sarmann,	50 0 0	7,500
„ 103	Do.,	50 0 0	7,010
„ 104	W. H. Wardley & Co.,	62 10 0	5,500
I. 505	Aluck,	15 17 6	0
„ 506	Do.,	36 10 0	25
„ 507	D. R. Caldwell,	15 17 6	10
„ 508	Cheong Asaow,	36 10 0	0
„ 509	Wm. Tarrant,	9 1 6	5
„ 510	Cheong Asaow,	9 1 6	10
	Totals,	£404 0 0	$33,870

SHIPPING NEWS.

The *Jno. P. Kennedy*, (late U. S. Storeship,) sold by Auction to-day, was bought by Mr Silas E. Burrows, for $10,000.—*November* 8.

The *Eolean*, on the 1st November, experienced a heavy gale from the N.E. off the south end of Formosa, which continued 3 days. Whilst wearing ship to keep off the land, a sea boarded, carried away the galley, stove the main rail, sprung mainmast and bowsprit; another sea struck the quarter, carried away the boats and davits, split main sail. In order to keep the vessel to, was obliged to cut away the foretopmast: Barometer [illegible] On the 3d, [illegible] clipper ship with jury-rigged foremast, off the entrance of the Ly-yu-moon, steering to the Eastward; from appearance supposed to have lost her rudder.—*November* 8.

The *Erin* brought, for Southampton, 104 pkgs. Silk, 4 pkgs. Sundries; Marseilles, 600 pkgs. Silk, 6 pkgs. Sundries; Singapore, 23 pkgs. Sundries; Hongkong, 4 pkgs. Sundries, Canton 204 pkgs. Sundries, and 5 boxes Treasure valued at $12,725. On the 8th instant, at 9 A.M., spoke the *Lady M. Wood* below Woosung.—*November* 12.

The *Spray* reports, the British schr. *Princess*, on the 21st Sept., in Wanchew harbour, experienced a heavy gale whilst at anchor, and on the morning of the 22d, at 4.30, capsized, and lost 8 men. The Captain and 5 others were saved by clinging to some spars.—*November* 12.

The *Wadiatool Rachman*, experienced strong N.E. gales outside, in consequence of which was obliged to put back. On the 6th instant, the Tindal of the vessel fell from aloft, fractured his skull, and died next day.—*November* 14.

The *Rustamente*, off Pootoy, last night, between 9 and 10 o'clock, in going about, missed stays twice, and was obliged to wear; in so doing, struck a rock which was not seen at the time, it being very misty weather. The schooner sunk, but all hands returned safe in the pilot boat, excepting a Chinese supercargo, who was drowned.—*November* 14.

The *Singapore* took,—to Southampton, 105 pkgs. Silk, 43 bales Raw Silk, 13 cases Silk Piece Goods; Marseilles, 4 cases Silk Piece Goods, 793 cases and bales Silk, 230 bales Raw Silk, 19 cases Thrown, 11 cases Sundries; Alexandria, 5 pkgs. Merchandize; Gibraltar, 3 pkgs. Merchandize; Galle, 11 pkgs. Merchandize; Madras, 220 pkgs. Merchandize; Bombay, 57 pkgs. and cases Silk Piece Goods, 7 pkgs. Sundries, 21 boxes Treasure valued at $82,854; Penang, 4 pkgs. Sundries; Singapore, 36 cases Silks, 32 pkgs. Sundries; 3 boxes Treasure valued at $4,500.—*November* 16.

The *Conrad Heinrich*, which left Hongkong on the 12th inst, for Shanghae, experienced heavy gales from E.N.E., and tremendous sea, with strong current setting down to the W.; found it impossible to beat up, and put back.—*November* 16.

The *Burnham*, bound to San Francisco, after leaving Hongkong experienced a succession of N.E. gales, a tremendous sea and strong current to the W., with rain and thick weather; found it impossible to beat up; split several sails, and sprung the head of the foremast. On the 16th saw a barque, supposed to be Portuguese, at anchor on the W. side of the Lama.—*November* 17.

The *Kelso*, in lat. 11.13 N., and long. 25.27 W., spoke the *Eleanor*, from Moulmain bound to Sunderland; in lat. 29.44 S., and long. 8.24 W., spoke the ship *Oriental*, from Southampton with emigrants to Adelaide, 78 days out; in lat. 37.36 S., and long. 19.15 E., spoke the ship *Irene*, bound to the Persian Gulf. In lat. 27.29 S., and long. 7.55 W., experienced a heavy gale from the S.W., and lost fore-top-mast, three top-gallant-masts, and fore-top-gallant-yard; one man lost on the passage, named Anthony Farrow, a native of Pernambuco.—*November* 19.

The schooner *Gazelle*, while lying at the entrance of Haetan Straits, was attacked by 5 large West-coast boats. The action lasted 25 minutes, when the pirates were obliged to haul off, with one junk disabled, which the others took in tow. The *Gazelle's* crew fought well, having expended some 100 rounds during the action.—*November* 19.

The *Erin* took,—to Amoy, 2 chests Patna, 5 chests Benares; to Woosung, 559 chests Patna, 599 chests Malwa, 25 chests Benares; and Treasure valued at $104,816.—*November* 20.

The *Lady M. Wood* brought,—for Southampton, 18 pkgs. Silk, Marseilles, 443 pkgs. Silk, Singapore, 19 pkgs. Sundries, Hongkong, 18 pkgs. Sundries, Canton, 82 pkgs. Sundries; and 3 boxes Treasure valued at $13,840.—*November* 21.

The *Confucius* was, by mistake, reported in last evening's *China Mail* to have been totally lost. After her departure from Hongkong, she experienced strong N.E. gales with heavy sea, and strong current setting to the Southward; lost fore-top-sail and several other sails. On the 14th November, tacked in-shore with the intention of going in to Macao, when she saw a large fleet of junks, supposed to be pirates, lying at anchor off the Ladrone, and tacked ship off-shore to the Southward and Eastward. The junks immediately got under weigh and steered towards the vessel, and at night were seen to signalize with their lanterns one to another; the vessel had to run before the wind to get clear of them.—*November* 28.

The *Shanghae* took,—to Calcutta, 6 cases Silk Piece Goods, 5 cases Sundries, 16 boxes Gold valued at $61,712, 30 boxes Vermillion, 160 pkgs. Tea; Penang, 5 cases Silk Piece Goods, 12 cases Sundries; Singapore, 35 cases Silk Piece Goods, 23 cases Sundries. *November* 23.

The *Rattler*, on the 8th inst., off Shanghae, saw two pirate junks in possession of a large West-coast junk; they stood towards the schooner and fired upon her; opened fire in return, and succeeded in rescuing the prize. The junks made off among the small islands, in too shallow water for the schooner to follow. The Captain of the junk informed Captain Geary that they had robbed him of $8,000. On the 13th, saw three pirate junks hawled in-shore, which a number of fishing-boats observing, bore down upon them, fired into and captured them. The crews of the pirate vessels escaped on shore.—*November* 27.

H. M. str. *Hornet* reports,—the *Constantine* left Hakodadi for Shanghae on the 7th instant, and on the 9th put back.—*Nov.* 27.

The hull, &c., of the prize brig *Greta* sold yesterday at auction for $7,000, the cargo and other lots for $5,000—total $12,000.—*November* 27.

The *Wilmington* left Hongkong for Fuhchau on the 17th October, and since that period experienced a succession of N.E. gales. On the 25th, in consequence of a heavy gale, was obliged to come to anchor under Quemoy, in company with the *Faust*: the gale lasted 52 hours. On the 28th, again proceeded, and on the 7th Nov., had another heavy gale from the N.E.; lost the bowsprit, and put into Amoy for repairs. On the 17th, went to sea again, and on the 20th, experienced another gale from the N.E., increasing to a taiphoong; blew away topsail, two foresails, and split jib, carried away marfingale and jib stays, and stranded some of the lower rigging—when the gale abated, the vessel was about 200 miles to leeward of the White Dog. On the 24th, bore away for Hongkong.—*November* 28.

The *Janet Willis* since her departure from this port, has experienced strong N.E. gales; beat up as far as Breaker's Point twice, but in standing off, was forced back again by strong current and tremendous heavy sea. On the 24th October, in a heavy gale from the N.N.E. carried away the cutwater, figurehead, and most of the head gear. On the 18th Nov., off Chelang Point, boarded the *Sarah H. Snow*, which had been in company with the *Ellen* the day before.—*November* 28.

The *Hindoo* reports, that on the 15th Nov., in lat. 22.31 N., and long. 145.38 E., experienced a heavy taiphoong, which lasted for 3 days: Barometer lowest range 29.20. On the 16th, carried away all three top-gallant-masts and yards; a heavy sea struck away a boat from the davits,—topsails, main-sail, and foresail were blown out of the bolt-ropes, also several other sails. On the 17th, carried away the fore-top-mast, taking the jibboom with it, and stranded some of the lower rigging. The ship, in the height of the gale, was hove on her beam ends, and has suffered a great deal of general damage.—*November* 29.

The *Pepay* reports,—the *Neptuno* to leave for Hongkong 5 days after her.—*November* 30.

The *Cornelius Smit* has been detained in the China seas for 40 days through strong N.E. gales.—*November* 30.

Captain Suhlberg of the *Faust* reports,—that on the 18th Nov., whilst lying with both anchors down under Slat Island, Haetan Straits, in a gale from the N.E., in company with a large junk, 5 pirate vessels hovered round them, supposed to be after the junk. The schooner fired into them, when they sheared off and anchored on the other side. The *Faust* kept company with the junk until she got to the entrance of the River Min, when the schooner was obliged to leave her in consequence of a strong tide and very thick weather. After leaving her, saw the pirates following, and subsequently heard the junk was taken. The *Louisa Baillie* and *Heinrich Gustav* (the latter from Ningpo,) were both working in to Swatow when the *Faust* left on the 29th Nov.—*December* 1.

The *Excellent*, on the 29th Nov., carried away the foreyard when off Single Island, and was obliged to put back.—*December* 1.

The *Rosita* reports,—the *Frolic* left Cocksicong, on the 18th Nov., for Tarcow Island.—*December* 1.

The *Norna* left Bombay, Nov. 3d; Galle, 9th; Penang, 17th; and Singapore, 19th. She brought 2012¼ chests Opium, 259 pkgs. Sundries; and Treasure, for Hongkong, 283 boxes valued at $475,751; Canton, 167 boxes valued at $207,753; and Shanghae, 192 boxes valued at $277,122 — total $960,626.—*December* 3.

The *Norna* experienced heavy weather on her passage in the China sea and carried away some of her head gear. On the 21st Nov., passed the steamer *Singapore* off Pulo Aor. On the 29th, passed a vessel running to the Southward, too far to be distinguished. On the 30th, passed a large spar in lat. 18.32 N., and long. 113.53 E.—*December* 3.

The *Maria* ran ashore on Breaker's Point and damaged her rudder, so that she had to return to port, and goes to Whampoa to repair.—*December* 3.

The *Wanderer*, in consequence of having carried away the head of her foremast just outside, has put back.—*December* 3.

The *Eolian* sold at Auction to-day for $3,500; the purchaser being a Chinese.—*December* 5.

The *Ijattie Leong*, on the 3d Dec., saw a large American clipper-ship off Breaker Point, and an English barque in the Ly-yu-moon passage. The *Sea Witch* was to sail from Amoy to Havana on the 1st Dec., with coolies. The *Golden Eagle* was to take coolies for Havana.—*December* 6.

The *Fiery Cross* reports,—the *Lancefield* going into Singapore when she left; on the 23d Nov., passed the *Singapore* off Malacca; on the 20th, in lat. 12 N., and long. 98 E., passed the *Precursor*. The steamer *Lightning* left Calcutta two days before the *Fiery Cross*, and Singapore 24 hours before her. Very heavy weather all the way up the China Sea. [Several of her crew disabled.]—*December* 6.

The *Lady M. Wood* took, to Woosung, 465 chests Malwa, 164 chests Patna, 35 chests Benares; and Treasure valued at $315,436.—*December* 7.

The *Rapid*, on the 21st Nov., in lat. 9.25 N., and long. 116.49 E., spoke the Hamburg brig *Teresa Oscariana*, bound to Hongkong via Manila.—*December* 7.

H. M. steamer *Styx* takes, for England, the crew of H. M. brig *Rapid*, M. Goshkevitsh, and 60 Russian prisoners.—*December* 7.

The *Enterprise* reports,—the *Hannibal* which left Shanghae, on the 26th Nov., for Fuh-chau, had not arrived when the *Enterprise* left. The *Unicorn* arrived at Shanghae on the 21st Nov. A barque (? *Earl of Hardwicke*, which left Hongkong on the 3d Nov.,) was at anchor off Woosung when the *Enterprise* left. The *Colibri* (which left Hongkong on the 28th Oct.) had not arrived. An American barque (? *Sarah H. Snow*, left Hongkong on the 10th Nov.,) was outside Fuhchau on the 3d Dec. The following vessels had sailed from Fuh-chau,—Nov. 27, *Golden State*, for New York; 28th, *Chilena*, for Liverpool; 30th, *Gazelle*, for Amoy, and *Eamont*, for Hongkong. The following vessels were in the harbour of Fuh-chau, on the 1st Dec.:—H. M. sloop *Racehorse*; *Joseph Soames*, for London; *Juno*, for the Continent; *Monsoon*, for New York; *Prima Donna*, for Australia via Hongkong, immediate; and the *Chieftain*.—*December* 7.

H. M. str. *Rattler* took for England, Lieut. Pouschkine and M. Schilling, and a number of other Russian prisoners.—*December* 8.

The *Ernani*, on the 15th Nov., saw a Dutch barque at anchor in Quemoy.—*December* 10.

The *Alligator* reports,—the *Hannibal* had been on fire on the 29th November. The fire originated from damp-pressed cotton, part of her lading for Fuh-chau. She was run aground and scuttled off the Dock-yard, where the tide flowed into her and put the fire out. The vessel is not much burnt. The *Africa* was to be sold by Auction on the 1st December. The *Storm* put back with loss of masts and leaky; to be sold by auction the following week. The following vessels had arrived at Shanghae:—on the 25th Nov., the *Planet*, and on the 29th, the *Corsair*, both from Hongkong; on the 1st Dec., the *Zephyr*, from Fuh-chau. The following vessels had sailed from Woosung:—on the 30th Nov., the *Carrington*, for Fuh-chau; on the 1st Dec., the *Geelong*, for Swatow, the *Erin*, (str.,) for Shanghae, and the *Emma*, for Ningpo. The *Hannibal* left Woosung, on the 2d Dec., and on the 3d saw a small barque off the Banca Islands, bound to the Northward.—*December* 10.

The *Rose's* machinery having broke down, she will not ply until further notice. The nightly mails between this and Canton will be despatched per post-boat as heretofore.—*December* 10.

It is reported that a lorcha has arrived from the Pratas, with a quantity of Coffee, found on the reef. This is since denied, but it may not be the less true on that account.]—*December* 11.

The *Carolina* reports,—the Dutch barque *Johanna* on the Prata Shoal, in 3 feet of water, heeled over and bilged; cargo entirely destroyed; sails all blown to pieces. Found no one on board—the long-boat and quarter-boat were missing, as if the crew had gone off in them. Bills of Lading were found on board. The *Johanna* left Manila on the 19th Oct., with a full cargo of Sugar and Sandal-wood, for Shanghae. [The *Sandal-wood* at all events could not surely have been entirely damaged. What has become of it, and other valuables which must have been left in the wreck?]—*December* 12.

The *Paoushun*, signalized the *Lady M. Wood* off Chinchew.—*December* 12.

The *Prima Donna* reports,—the *Spirit of the North* left Fuh-chau, for London, on the 7th December.—*December* 12.

A Nanking junk has been plundered by pirates in the Mak-moon, (outside the Ly-yu-moon,) of bullion valued at $25,000 — rough cargo untouched.—*December* 12.

The *Zephyr* reports,—having had light Southerly winds from the 3d up to the 10th Dec.—*December* 13.

The *Spray* reports, the Dutch barque *Erin*, which left Hongkong on the 19th Sept., had not reached Amoy, nor has she been heard of. The *Lieut Admiral Stellingwerf* left Amoy for Swatow on the 8th Dec., to load for Singapore; the British schooner *Water Lily*, on the 7th, for Singapore; the British schooner *Banner* left for Java on the 6th. The British brig *Sisters* arrived about the 5th from Shanghae.—*December* 13.

The *Erin* reports,—the Danish brig *Emma* arrived at Shanghae on the 6th December, from Honolulu. The *Earl of Hardwicke* and the *Lantao* had arrived. The British brig *Freak* was going up the river.—*December* 13.

The *Erin* brought, for Southampton,—266 bales Silk; Marseilles, 526 bales Silk; Hongkong, 11 boxes Silk, and 254 pkgs. Sundries.—*December* 13.

The *Antonio Terrey*, on the 12th December, saw a British brig-of-war (? *Bittern*,) going into Amoy.—*December* 13.

The *Antonia Terry*, Peruvian Clipper-ship, Captain W. Robinet, left Callao on the 11th October, and arrived at Amoy after a passage of 52 days. The run from Amoy to Hongkong occupied only 24 hours.—*December* 14.

No 11. Rec'd 13. May

Shanghai March 7th 1862

Sir

I have the honor to inform you that the Chinese authorities have expressed a desire to me, to purchase the Saginaw, our condemned war steamer. I informed them that I did not feel authorised to entertain any proposition for the sale of a Government Steamer but that if the Government should sell her I would let them know, so that they might have the same opportunity with others to purchase.

I have given letters of introduction to the President and myself, at the request of the Hon William H. Seward Chinese Secretary of State

Chinese authorities, to a young man by the name of F. T. Ward who goes out by this mail to purchase gunboats and arms for the Chinese Government. Ward has been undoubtedly selected through the influence of his brother called Col Ward, but now I believe general, in the Chinese service, This latter gentleman is an American to whom my attention was first called by Admiral Sir James Hope who wished to introduce him to me and who recommended him warmly for his courage and his skill. He is instructing the Chinese in the use of European weapons and has about two thousand of them drilled whom he has led in a most desperate

desperate manner, successfully, in several recent battles.

I know nothing of him save what I have learned from Sir James Hope the Chinese and himself. He says he was born in Salem Massachusetts - went to sea when a boy became mate of a ship and then was a Texas Ranger - California gold miner - instructor of in the American service - was with Walker, for which he was attainted by his Government; at the Carolines and then joined the Chinese army where he has gradually risen to influence and power. He is now their best officer and for his recent successes has been recommended by the Chinese and the English for

for still greater promotion
He says he is a loyal American
and though a Chinese by ~~birth~~
adoption he desires above all
things that his country
shall have its full weight
in the affairs of China. I
have felt it to be my duty to
write all these things that you
might have all the light I
have. His yonger brother who
goes out for the Government,
seems to be a sprightly young
man. I know nothing of his
antecedents and cannot vouch
for him beyond what I have
written. Sir James Hope informed
me, to day that he had given
him letters to the English Government.

Hoe

He took in one bill and pass
one pass one hundred thou-
sand dollars. beyond this I
know nothing of his resources.

I have the pleasure to inform
you that our new Consul Genl
F. Seward has arrived and
entered upon the duties of his
office. I shall take occasion
in my early despatch to inform
you of the reforms he contemplates
and to ask your earnest atten-
tion to the condition of this most
important of all our Consulships.
I send herewith the applica-
tion of Wm H Beck Esq, marked
A. with my most hearty endorse-
ment.

I have the honor to
be Your Obt Servant
A Dudley Mann

A.

Shanghai 21st January 1862

To His Excellency.

Hon. Anson Burlingame

U.S. Minister &c. &c.

China

Sir.

I have the honor herewith to enclose acknowledgment of the receipt of your communication of the 16th instant, conferring upon me the appointment of acting U.S. Consul for the Port of Hiu-Kiang, and the course which it seemed advisable and proper for me to pursue in respect thereto.

I beg also to accompany this acknowledgment with an application to His Excellency the President of the United States of America that he will be pleased to confer upon me the appointment of United States Consul for the port of Hankow, China in class C. with a Salary of one thousand Dollars per Annum. as per "Act to regulate the diplomatic and

Consular System of the United States"
Tripoli 18th August 1836 — And I respect-
fully ask that you will Endorse this Applica-
tion to the State Department at Washington
with such Endorsement as your personal
acquaintance with me, and your knowledge
of my services and ability as Consul and in
other capacities will warrant —

In accepting the appointment as
U.S. Consul for the port of Swatow, in Anticipation
of it being a Salaried Office, and the Expense
necessarily occurred in bringing my family
from the United States and while at that port,
I endured more than one loss on account of the
troubles existing there in May and June last,
have left me nearly four Thousand
dollars in arrears. I have never received
one dollar in the way of Salaries, or in any Com-
missions, emoluments entered into by me or done for me,
or in which I have been in any way interes-
ted at that Port. From the day of my
arrival at Swatow until this present, I
have, at my own individual Expense kept
our National Flag flying daily. —

At Ningpo, which Port I was instructed by the State Department to include within my Consular jurisdiction, and where I have been for the past six months, I have had many responsibilities growing out of the disturbed state of affairs, consequent upon the approach and capture of the city and country by the Taiping insurgents, in addition to my duties as U.S. Consul, and is now proceeding to Pin-Pang, on 500 miles into the interior of China, and at this season of the year, involves great hardship and Exposure, much time and Expense, and great responsibility.

All this I Cheerfully submit to, deeming it my duty, in this hour of my Country's trial at home, to exert my ability to Extend her commerce, and Maintain her dignity abroad.

But if, in the discharge of the duties of U.S. Consul at Ningapoo in 1859 - if at Shanghai during a period of much Excitement, has the course I pursued there met the approbation of the Government - if at

Ningpo

Thoughts. Should any Communication
Count of your Non-arrival at the Port,
My action shall be sanctioned as judi-
cious and proper — I, in proceeding
to this-Peking under your instructions
and Establishing Trade at that Port.
I, in those Seven Capacities and the
circumstances under which they have
placed me, entitle me in your judg-
ment to any credit, then I respect-
fully ask, that you will cordially en-
dorse the Endorsed application for
My appointment as United States
Consul, under Class 3, under the
Act of 18th August 1856. with a
Salary of One thousand Dollars at
with the privilege of Trade
the Port of Hankow, and, that I may
not be subject to remain at the Treaty
one or more
Ports, Port of this-Peking as acting
Consul —

In addition to your personal
Knowledge of me. I beg to refer you to
His Excellency the U.S. Minister at
the Court of St. James's to my
intimate

Minister Plenipotentiary Hon. Gideon Hunton and Col. Mason W. Tappan and Hon. Mr. Edwards of New Hampshire. Hon. Mr. Sherman of Ohio and Hon. Mr. Snow of Pennsylvania.

Hankow, as it will appear to your Excellency, is the large and widely opened Port on the Yang-tze-Kiang River about seven hundred miles in the interior of China and a little South of West of Shanghai. The salary of $1000 will place it on a par with other Ports of importance named in Sect. 6. and you to make up the usual dispensation incident upon the Consular Office. The position and trade of the port will enable me to ascertain the outlays to which I have already given subject. believing at the same time. that my dispensations will enable me to perform the duties of the Consular Office, satisfactory to the Government and for the interest of our Americans.

I am. Sir. Very Respectfully
Your obedient Servant.
William Brent

United States Consul
for Hankow.

No 12. Rec'd 28. May /

Shanghai March 22nd 1862

Sir

I have the honor to inform you that receiving notice last month from Messrs Olyphant & Co. Depositaries of claims at Hong Kong that there was a sufficient sum in their hands to pay all that was due on the awards made by the Commissioners of claims. I directed Mr Williams to superintend the payment of the same to the claimants.

payment of claims

This he did to the amount of $37.176 15/, leaving a balance in the hands of the Depositaries of $54.71 93/110. The entire amount of the awards was $489.694 2r which Hon William H. Seward . . . had

Secretary of State

has been ratedly paid to the claimants in five instalments within less than two years.

As to the disposition of the balance in hand, with that yet to be derived from the Chinese Government through Customs received at the ports of Canton almost-probably within two or three years - I will take the liberty the very early despatch of making such suggestions as shall occur to me.

God

The rebellion still rages but as yet it has made no direct assaults upon Shanghai. Since the 2d. of February six battles have been fought within thirty miles

Rebellion

of

of this place with great loss to the rebels. This is the order in which they occured. Yankin-dong- Taimoom- Kow Jow- See- dong- Sukkein and Chuk Kein. At Kow-Jow the English and French participated, acting as a reserve to Col Ward. They were commanded by Admirals Hope and Protet. Chuk Kein was fought by H. M. Gunboat Plumer. Without giving you all the details of these battles, I will write in general terms, that while there were not more than twelve hundred men, at any one time, on the side of the Imperialists, there were said to be from five to twenty thousand men in the

Side

side of the rebels - and while the rebels are superior to the Imperial soldiers in this part of the Empire - and nearly always beat them when the Imperialists are led by native officers - they are unequal to the Chinese, trained and led by Europeans or Americans. They were beaten in every battle with great slaughter.

Admiral Hope informs me that he was astonished at the courage of the Chinese led by Col. Ward, at Kow Jow. It is thought by many that they are superior to the Sepoys and that they, when properly instructed, will not only be capable of defending themselves

but

but equal to agressive war.

I send you copy of a Communication marked A. received from Sieh Lt Governor of the Province of Kiangsee informing me that the Imperialists propose to attack Singpo - Singpo in the hands of the rebels. and requesting me to give notice to my country men & that they may avoid the "flying balls" and find means of escape lest "pearls and stones" may be destroyed together. I am happy to call your attention to another communication from Sieh containing the gratifying information that the Emperor on the 2d. of the 1st. moon [Feb. 14th] gave his

Singpo. notice to foreigners.

Important concession by the Emperor

his consent, that the Ports of Tung chow and New Chwang should be open for the export of beans and bean cakes. The trade in these is very large and important to our shipping interests - and by the 5th Article of the Supplementary Treaty was not permitted to foreigners.

I have appointed Rumbin B. Forbes acting Consul at Tein-Tsin. This nearly completes the appointments necessary for the conducting of our business at the Treaty ports. I have taken great care to recommend none to the Government who were not strongly recommended and

Appointment of Forbes Consul at Tein Tsin

Strongth

thought to be worthy of the place for which he was selected -

It is quite difficult to get men without pay to take these places and yet our increasing trade renders it highly important that we should have Consuls at all the Treaty Ports and that there should not be mere adventurers

I have the honor to be

Sir

Your obedient Servant

S. Bunbury and

A.

Lieut. Governor of the Province of Kiangsu hereby begs to inform your Excellency that he has received a dispatch from his government, through the Minister of Foreign Affairs, in reference to the occupation of Tsingpo, in the province of Chekiang, by Robbers; and I am ordered at once to raise troops for the purpose of hemming them in and destroying them.

This renders necessary for the foreign merchants, resident at Tsingpo, to remove to a distance in order to secure their own safety. ———

——A Communication has been addressed to the Representa-

tives.

of England requesting him to
give instructions to the English
Consul at Ningpo to take necessary
measures to secure this object.

I am also instructed to
furnish your Excellency with
a copy of that Communication,
that you also may take such
measures as are necessary on
this account.

Ningpo being in the hands
of the Robbers it is necessary
that the Imperial Armies
should immediately take means
for their distruction. — Merchants
and others of your honourable
Countrymen, residing there, should
act in accordance with
the Suggestion of the Chinese
Minister

Ministers of Foreign Affairs,
in the communication refered
to, and remove, at once, to a
distance in order that they may
secure their own safety.

I therefore enclose herewith
a copy of the Communication
to the English Minister, in
order that your Excellency
may issue such instructions
as you may think proper
to the Consul at Ningpo, so
that the American residents
there may remove to a distance.

I shall be glad to
receive an early reply.

Shanghai March 3d 1862

Communication from the Minister of Foreign Affairs to the British Minister

The Minister of Foreign Affairs would inform the English Minister that information has been received of the occupation of the City of Ningpo by Rebbers. It may difficult to prevent them from extending their power and collecting vessels, so as to obtain possession of other parts on the Sea Coast. It will therefore be necessary to guard with the greatest vigilance the ports in the vicinity of Ningpo

Ningpo and the officers in
command of the Imperial
troops are to collect their
forces and station them in
such places as may be
necessary to repel the Robbers.

The Vessels of Foreign
Countries therefore cannot
enter and depart.— Ningpo
being already in the hands
of the Rubbers it is all
the more necessary to exterminate
them. Therefore Military officers
cannot but endevour to accomplish
it to the utmost of their power.

It is therefore inconvenient
on many accounts for
Vessels of your honourable
Country to frequent this Porta

Hereafter, if our Soldiers should come together in clouds, and engage the Robbers, there would be great danger of these Vessels being injured by the flying balls. — If notice should be given beforehand of the approach of an attacking force, it might come to the knowledge of the Robbers and put them on their guards against it. — Should I not give previous notice to the Merchants, then the Vessels might not at the time of the attack be able to find means of escape; So that pearls & stones might be burnt up together (i.e. good and [bad] men be alike destroyed.)

The

The merchants have brought their property from a great distance. — Would it not be lamentable if they should be involved in such calamity? — Out of regard for the interests of the merchants I make this communication to your Excellency, in order that you may communicate with the Consul, and take such measures as you deem proper to enable the merchants to escape to a distance in good time.

I should be glad of an early reply.

P 5

Teih Ta Governor of
the province of Kiang su
has received a communication
from the Minister of Foreign
Affairs to the following effect.

According to the 5 1/2
Article of the Treaty, foreign
vessels are not permitted to
load at the ports of Tung Chow &
Newchang with beans and bean cakes;
the object of the prohibition
being to protect the native
trade from and prevent a
deficiency of food in those
districts. It appears however
that the number of foreign
vessels frequenting those
ports is very great. They
bring foreign goods, and as
those districts can give
nothing in exchange but the
beans and bean cakes, the exportation
of which is prohibited, those
vessels are for the most part,
obliged

obliged to leave without any return cargo. But considering that we have been long at peace with foreign nations, if the prohibition in respect to the beans and bean cakes at the above mentioned places be removed, the native traders will not be embarrassed, and foreign vessels will be much benifitted. A memorial therfore was presented to the Emperor to permit foreign vessels to export beans and bean cakes from the ports of Tung-chow and Newchang, and on the 21st of the 1st Moon / Feb 19th / he gave his consent.

It has been determined in reference to this article that an export duty is to be paid in full when the vessel receives her cargo. On entering another port an import duty of half the amount of the former is to be paid. If after this the merchant wishes to re-export

it

it by sea, it is to be placed on the same footing with other articles exported to foreign Countries, and the Custom house of the port will give a drawback Chop as evidence that the duty has already been paid. Further according to the regulations already determined upon goods which have paid the half export duty at the port of Shipment, and also the half import duty at the port of entry if they are afterwards taken into the interior either by foreign or native merchants, shall be liable, in addition, to the usual duty at each Custom house, and also to a further tax of one per Cent at each Custom house Station. The same rule shall be observed with respect to beans.

Having received the

the above communication, I
at once inform your Excellency
that you may communicate
the fact to the Consuls at
the several ports, that
they may give notice that
hereafter foreign vessels
are permitted to export beans
and bean cakes from the
ports of Tungchow and
Newchang.

March 16th 1862

V

Legation of the United States
Shanghai March 31st 1862

Sir,

I have the honor to enclose the account of this Legation for the 1st Quarter of 1862., and to be with great Respect

Your obedient Servant
S. Wells Williams

Honorable
William H. Seward
Secretary of State
Washington
D.C.

No 13.

Rec'd 11. June Mr Dallas

Ext. & copy of Ext
referred to next d.
Sec'y of War, 12th June.

Shanghai April 5th 1862

Sir

Battle with the Rebels.

I have the honor to inform you that a battle was fought yesterday about twelve miles from this place between the English and French and Chinese [the Chinese led by Ed Ward] and the Rebels in which the latter were badly beaten.

The particulars have not yet reached me.

Small pox

I send you an extract from a Report, [marked A.] upon the health of the Troops [English] in the North of China for the four weekly period ending 21st February 1862." It makes reference to a most successful treatment of "Variola, or Small pox, a disease which has been most perseveringly and dangerous in China in the face of all the ordinary precautions. As our Army may be exposed

Hon William H. Seward to

Secretary of State

to it this information may be of service

I shall leave to night for Hankow which city is about six hundred miles up the river Yangtsze Kiang, to look after our interests in that most important quarter. Our people along the great river are not only exposed to the direct attacks of the Rebels both at Hankow and Kin Kiang receive constant assaults from the "Braves" [Imperial soldiers] I shall have interviews with the Chinese authorities with a view to the safety of our people

Proposed visit to Hankow

The way is now open to Pekin to which I shall proceed as soon as I can after my return. I hope to go as far as Tien Tsin by our war vessel, the Wyoming, which will probably reach here in time. If you have not taken

action upon the application of Mr Breck to be appointed Consul at Hankow many I request that you will not do so for the present, for the reason that Mr Williams is willing, I believe, to remain as Consul at Hankow and Mr Breck is needed at Kiu-Kiang. They are both good men and I hope their services may be retained where they can be of most efficient to the Government.

Consul at Hankow.

I have the honor to be
Your Obt. Servt.
A. Burlingame

with Mr Burlingames No 13. April 5. 1862

Copy

A

B.

Extract from the Report upon the health of the Troops in the North of China for the Four Weekly Periods ending 21st Febuary 1862.

As will be seen from these figures Variola has been very considerably on the increase during the past Four weeks, and I regret to observe that the character of the disease has not been of that modified form which it is represented usually to assume when attacking individuals privionsly protected by vaccination, indeed many were the most virulent confluent cases it has ever been my lot to witness, all the subjects of this disease bore good marks of Vaccination.

Remarking on Variola in my last report, I very cursorily have adverted to the treatment of this disease by the friction of either Tartar Emetic Ointment alone or combined with Croton Oil persued by Dr. Kennie Surgeon 31st Regiment

and

and followed also by Dr Lampsey
of the Regiments and other Medical
officers at this Station, Since then
I have watched with Considerable
interest, and attention, the progress
of Several cases treated in this
manner, and I feel bound to
State that in every instance taken
early at the onset of the disease,
on the appearance of a full crop of
pustules developed by the application
of the Ointment, the Fever, which
in many individuals was previously
very high Suddenly abated each
patient reporting himself relieved
from the remission in the Symptoms;
in many also, though or Shortly
after admission, there were detected
Symptoms of Chest Complications
in the Shape of pulmonary Congestion,
these Symptoms, coeval with the
eruptions produced by the Ointment
almost immediately Subsided, in
fact the disease appeared as if
Suddenly arrested and in no instance
died

did to show a tendency to become confluent.

It is also most remarkable that while in ordinary cases of Variola allowed to run their course under the usual treatment the face is the portion of the body to which as it were the true eruption of Variola most tends, producing there when confluent such loathsome looking masses of disease; under this mode of treatment by the friction of the Ointment, particularly if begun early, the eruption appears to be diverted from its ordinary site of elimination and to develope itself almost altogether on the trunk and upper extremities.

Dr Rennie's Theory may be briefly summed up as follows, he premises that the effect of either Tartar-Emetic or Croton oil when used by friction to every part of the body is not purely of a mechanical irritating nature but that the

Special

special effects of counter irritation
by these remedies depend on the
State of the constitution or the
Condition of the blood of the individual
at the time and that the crop of
eruptions produced by either of
these remedies, is the actual external
indication of the constitutional or
blood poison causing the internal
disease, and he further holds,
that the early developement of a
Cutaneous eruption by either of the
medicines is calculated to arrest
the progress of suppurative superative disease
generally in the blood, and give
it a ready innocuous mode of
elimination
illumination, thereby also preventing
the occurance of secondary fever, and
the liability to any internal complication,
Dr Ronnie from facts which have come
under his observation considers that
the specific action of those remedies
is due to the developement of a condition
akin to electricity which as it were, appears
to decompose the blood poison and
precipitate

precipitate it on the surface.

(Signed) V. Bindon
Asst. Surgeon
P. M. O.

No. 14.

Rec'd July 12. Mr Denicke

Shanghai May 3d 1862

Sir

I have the honor to inform you that I received your despatch, No. 6, under date of February 4th & much of it as relates to the Inspectors of Customs I cannot answer before the next mail when I hope to meet fully the wishes of the Government.

I send you a Decree, marked A. of certain Regulations for Harbor Master at the Port of Shanghai.

Decree The Harbor Master and Staff will receive their appointment and pay, on the recommendation of the Consuls of the Treaty powers from the Hon William H. Seward Chinese Secretary of State

Chinese Government through the Tsutai.

I send you a copy of a communication from our Consul Genl. F. Seward Esqr, marked B. requesting me to appoint Frederic W. Pinder Marshal. The Marshal Marshal whose place he takes, in the language of Mr Seward "was notoriously corrupt and incompetent." "I therefore" he writes "discharged him and employed the present incumbent with the understanding that should he prove efficient I would recommend him to you for appointment under the act of 1862."

After trial, he writes that he has found him worthy and warmly

Recommends

recommends for the place and
I have have appointed him
subject to the approval of the
Government and until the pleas-
ure of the President shall be
further known.

I send copies of communi-
cations from Consul Wm. Brock
Consul Esqr and commend them to your
Brock
careful consideration. I recommend
the suggestions touching the places
where jails and Marshals should
be placed with the difference that
I might substitute Hankow for
Kiu Kiang. I recommend Mr Brock
as to desires for the appointment at
Kiu Kiang. Since my last des-
patch I have visited Hankow
where I found an agreeable and I
hope

before us public interview with the
Viceroy of the Province in which
visit to Hankow is situated. I have col-
Hankow lected materials for a paper on
the commerce of the Yang-tse-
Kiang which I will try and
prepare before I leave for Pe-
king. I am now waiting for
an opportunity to proceed to Peking
Peking and in the absence of a vessel of
war must take such convey-
ance as I can find. There is
little truth is now touching the rebellion.
The English French and Chinese
Rebellion have taken Ewo Kah-ding with
slight loss. There are rumors of more
trouble at Ningpo.

I have the honor to be
Your obedient Servant
Anson Burlingame

Copy

A.

In pursuance of the fourth section of the Act of Congress, approved June 22. 1860 entitled "An Act to carry into effect provisions of the Treaties between the United States, China, Japan, Siam, Persia and other countries giving certain Judicial powers to Ministers and Consuls or other functionaries of the United States in those Countries and for other purposes" I. Anson Burlingame Envoy Extraordinary and Minister Plenipotentiary of the United States of America to China, do hereby Decree the following Rules and Regulations, which shall have the force of Laws on and after the first of May next. in the Consular Courts of the United States of America in China.

Regulations for Harbor Masters at the port of Shanghae China proposed by the Treaty Consuls at a meeting held in Shanghae January 11th 1862.

1. Vessels shall allow themselves to be berthed by the Harbor Master within the accompanying limits of the loading and discharging anchorage and in berthing a vessel the Harbor Master shall comply as far as possible ~~with the request of the Master Consignee~~ or Supercargo, as to her position.

2. Vessels on being berthed sej in jib and Spanker booms, and top or brace up lower and topsail yards, except when actually needed for hoisting Cargo.

3. Vessels Shall be moored, and with a Swivel, unless their tonnage be under 200 tons, If desired the Harbor Master will furnish a Swivel at a small charge, which if disputed will be determined by the Consul of the Nation to which the vessel belongs.

4 Vessels shall be allowed to lash alongside Jetties, if desired by the owner, Master or Consignee.

5 A sufficient channel shall always be kept open for vessels to pass up or down the anchorage.

6. Should the Harbor Master not be at hand to berth a vessel on her entrance into the anchorage she will be expected to berth herself as much in accordance with these Regulations as possible.

7. These Regulations do not modify or affect any of the obligations or rights of Vessels under the laws of Seas and usages recognized by Civilized Nations.

8. A breach of any of these Regulations shall be visited with a penalty not exceeding one hundred taels Shanghai Sycee, which shall only be inflicted on the offender by the Consul of the Nation to which such offender belongs, provided such a nation be a Treaty Power.

L.S. Anson Burlingame

Shanghae April 24th 1862

Assented to,

Shanghae April 24th 1862

G. F. Seward

U. S. Consul at Shanghae.

Inclosure No. 1.

Shanghai April 24th 1868

William Brock

U.S Consul for

Miss Rainey -

B.

Copy

United States Consulate
Shanghai China April 25th 62.

Sir.

I have the honor to request that you will appoint a Marshall for this Consular Court as provided in the 25th Section of the act of July 2nd 1860.

This post having already been designated for the location of one of the four Marshalls provided by that act, and the appropriation having been made for the salary of such Officer it only remains that the appointment of a proper person be made to satisfy the recognized want of the Consulate

You are aware that the person who was acting as Marshall for this Consulate appointed by my predecessor under the provision of a decree by the Davis N.S Commissioners in 1849 was notoriously corrupt, and incompetent I therefore as soon

as I became convinced that the charges made were true, discharged him and engaged the present incumbent with the understanding that should he prove efficient I would recommend him to you for appointment under the act of 1863.

I have to say now that Mr Frederic M. Spinder, the person referred to has discharged the duties of Marshall since the 17th day of March last, to my entire satisfaction and that I think that he is well qualified for the post.

I have to say further as grounds upon which I make the request that you will appoint a Marshall, that no person will accept the post unless greater inducements are offered than the remuneration provided by the decree of Mr Davis that the salary itself is too small to be an object for anyone to come from the United States for and that I have already received

permission to appoint an interpreter for reasons I suppose which hold as well in the instance of a Marshal.

Mr Pinder has already taken the oath of allegiance and is prepared to offer bonds for such amt. as you may think proper.

I have the honor to be
Sir
Your Obdt humble Servt
G. F. Seward
Consul.

To the Hon
Anson Burlingame
U. S. Minister to China.

/Copy/

6.

United States Consulate
Swatow China 31st March 1862

Honorable A. Burlingame,
U. S. Minister
China.

Sir,

I have the honor to advise Your Excellency that I have suspended the appointment of John G. Willoughby as United States Marshal at this Port, and also the rent of the Prison and Keeper for the Same, all from and after this date until the further pleasure of the President is known.

Under the Act of Congress of 1860 for the carrying into Effect the Treaties with China, Siam &c &c. four Marshals, four Prisons, and four Keepers for the Same were allotted to China, and have been located at Shanghai, Foo chow, Swatow, and Canton. These locations were wisely selected as trade existed at the time the Act was passed, but the opening of the Yangtsze-kiang

or

or Great River and ports at the north have so changed the whole course of trade, and other and newer ports have in importance, so overshadowed older ports that it has appeared to me proper, that corresponding changes should be made in distributing the force allowed by the Government to carry into effect our treaties with China. With this view and to save money to the Treasury, I have this day discontinued all the force at Swatow as above advised, subject to your recommendation and the Presidents approval.

By dividing China into four districts nearly corresponding to the division made by the Chinese Government under the charge of a Foreign Office at Peking would, in my judgement, prove the best and most pratical that could be made until Congress shall deem it proper to make provision for an increase force.

Canton and Hainan in one district, with a Marshal, Prison, and Keeper at Canton.

Swatow, Amoy, Foochow and Formosa with a Marshal Prison and Keeper at Amoy. Swatow is 125 Miles South and Foochow 180 Miles North from Amoy, and Formosa but 75 or 80 Miles distant with constant communication by Steamer and Sailing vessels. There is an Excellent Prison at Amoy with yards and good walls erected by the former United States Consul Mr Hyatt, and suitably located. Amoy is the most Central port between Ningpo and Canton, and would then best accommodate all the places named.

Ningpo, Shanghai, New-chang Tang-chow and Tien-Tsin, with a Marshal Prison and Keeper at Shanghai forming a third district.

All the ports on the Yang-tsze-kiang

Yangtsze Kiang or Great River forming a fourth district, with a Marshal Prison and Keeper at Kiukiang as the most central port, or at such other place as shall seem most desirable.

In my judgement the location should be as central as possible for ports above and below, and not an extreem point.

I make the above Suggestions to Your Excellency from a personel knaledge of all the ports, and the means of Communication each with the other.

Trusting my action in regard to the Marshal Prison and Keeper at Swatow will meet with your approval and be Sanctioned by the President

I am, Sir, very Respectfully
Your obedient Servant
/Signed/ William Brock
U. S. Consul
Swatow

/Copy/

6

United States Consulate
Swatow China 31st March 1862

Honorable Anson Burlingame
U. S. Minister
China.

Sir.

I have the honor to advise of my arrival at this port on the 17th inst on my return from Ningpo and Kiukiang, having accomplished the objects for which I was sent to those ports.

I have the honor further to advise that I have forwarded to the Department full reports of all the matters pertaining to this Consulate during my absence — have enclosed proper vouchers for all Archives and property belonging to the United States and forwarded to the Department my resignation

resignation of the office of
United States Consul for Swatow
to take effect tomorrow the first
day of April.

I have the honor to further
advise that I have appointed
Charles H. Bradley Jr. Esq. U.S.
Vice Consul for this port until
the further pleasure of the President
is known and that I have transfered
to Mr Bradley all matters pertaining
to this Consulate.

I have the honor further
to report that I shall improve
the first opportunity by Steamer
to return from this to Kiukiang,
and shall upon my arrival
there, enter upon the duties of
United States Consul to which
Your Excellency has been pleased
to appoint me.

I respectfully beg of your
Excellency that you will urge
before the President the confirmation
of my appointment for Kiukiang

and

and that the Consulate may be placed in Class 6th with a Salary of one thousand Dollars per annum.

In a former communication I solicited from the President the appointment as Consul at Hankow. At the time I was not aware that the appointment of Mr C. C. Williams, as U. S. Consul for that port had been confirmed by the President. Learning that such is the fact however, I respectfully beg to transfer my application for appointment from Hankow to Kiukiang and shall be pleased if Your Excellency would kindly recommend to the President that Change.

I am, Sir, Respectfully
Your obedient Servant
(Signed) William Pruck
U. S. Consul for Swatow

No: 15. – 8 inclosures. Duplicate

Legation of the United States.
Shanghai, May 8. 1862

Sir.

I have the honor to transmit herewith the accounts of this Legation for the year 1861, with vouchers Nos 1. 8 annexed, of which Voucher No 4 has only recently been received from London.

The only item of the account which requires explanation is that for 30 copies of a compilation issued under my direction, containing the American treaties with China, Japan, Siam, and Lewchew, the Acts of Congress carrying their stipulations into effect over our citizens, and all the Decrees issued for the regulation of Consular Courts in China. The demand for such a compilation among American citizens in China was sufficient to defray the outlay for printing only in part; and I therefore subscribed for these copies to distribute at the new consulates and elsewhere as need requires. By the ship "N. B. Palmer" I forwarded a copy of the work to you, on the 20th ult., and also one to the Attorney General.

I stated in my dispatch No: 13, that I drew the amount of the Contingent Fund from the U. S. Bankers in London when I was there.

I have the honor to be,
Sir.
Your Obedient Servant,
Anson Burlingame.

Hon. W. H. Seward
Secretary of State.
Washington

Dr. United States' Government in account to China for Contingent

No. of Voucher	1861			Dolls	cts
1	June 5	To stationery of D W Lee, New York		9	50
2	1860 Dec. 31	To John Miller's quarterly a/c for postage for this Legation to date.	£ 3.. 12.. 0		
	1861 July 31	" J. Miller's a/c for quarter	1.. 2.. 0		
3	Sept 30	" Do. a/c do	2.. 18.. 7		
4	Dec 31	" Do a/c do	5.. 13.. 5		
5	Aug 24	" Do a/c for postage from May 27th on acct of Legation to Austria	2.. 6.. 0		
		Equal at $4.84 per £ stg.	£ 15.. 12.. 0	75	50
6	Dec. 31	To Bull, Purdon & Co.'s account for year's postage for Legation		33	73
7		To S. W. Williams' account for disbursements		144	27
8		To subscription to China Mail for Department of State.		8	-
		To printing passports		4	-
		To subscription to 30 copies of a reprint of American Treaties, Decrees &c		90	-
		To expenses connected with interview with Governor-general at Canton in October		16	-
		To my passage from Hongkong to Shanghai		96	-
		To subscription to N. C. Herald daily Shipping List and Daily Times, for Legation		23	
			Dolls.	500	

Legation of the United States.
Shanghai, Dec. 31. 1861

current with Anson Burlingame, Minister

Expenses of the Legation for 1861. Cr.

1861			Dlls	Cts
Dec	31	By amount received from Messrs Baring Brothers & Co. in London for the contingent expenses of the Legation	500	-
			Dolls	500 -

E. & O. E.

Anson Burlingame.

Voucher No. 1.

Copy

New-York, June 5. 1861

S. W. Williams
Secretary of Legation of
United States to China

Bought of Daniel W. Lee,
Stationer & Account Book Manufacturer
No. 82 Nassau St.

½ ream Letter Paper, white, plain	$2.50	1	25
½ " Bath Post, white ruled	2.50	1	25
1 " Commercial Note, white plain		1	25
½ " do do " ruled	1.25	-	62
½ " Arnold's Note Paper	2.50	1	25
¼ " Letter paper, thin ruled	2.25	-	56
2 pint bottles Arnold's Fluid	- 37½	-	75
3 quires Envelope paper	37½	1	13
1 " Blotting paper		-	44
1 doz Lead pencils		-	50
India Rubber		-	50
	Dolls	9	50

Received Payment
Daniel W Lee
per James V. Rich.

Copy

Voucher 2

Legation of the United States at China

To John Miller. Dr.

		£	s	d
1860				
Oct 1	Freight to Hongkong		3	6
2	Postage to China		2	–
16	" from " via Marseilles		4	–
"	" to Florence		2	6
17	" from "		1	–
"	" to the United States		1	–
"	Freight to Hongkong		6	–
29	Postage to China		2	–
30	Freight to Hongkong		3	6
Nov 3	Postage from China		4	9
"	" to Florence		3	–
13	" from China		2	–
"	" to Florence		2	–
17	Freight to Hongkong		3	6
19	Postage from China		3	–
20	" to "		4	–
26	" to Florence		2	6
Dec 1	Freight to Hongkong		2	9
15	Postage to Florence		1	6
19	Freight to Hongkong		3	6
	Postage to China		2	–
28	" to Florence		2	–
31	Part charges on dispatch bag to & from Liverpool		10	–
	£	3	12	–

London, 31st December 1860

Received of His Excellency John E Ward, Envoy Extraordinary & Minister Plenipotentiary of the United States to China, payment of the preceding account in full on account of the Legation

£3.12.0 (Signed) John Miller

Voucher 3 Copy

Legation of the United States at China

To John Miller Dr.

		£	s	d
1861				
July 1	To Freight to Hongkong		3	-
	Postage to "		1	-
16	Freight to "		2	6
31	" to "		2	6
Aug 23	Postage from the United States		2	-
31	Freight to Hongkong		2	6
	Postage to Macao		1	-
Sept 2	" to Paris		1	4
7	" from United States		4	-
7	" to Hongkong		7	6
9	" to Canton		2	9
17	Freight to Hongkong		9	-
-	Postage to "		6	-
23	" from United States		2	-
"	" to Hongkong		1	6
30	Part charges on dispatch bags to and from Liverpool during the quarter		10	-
	£	2	18	7

London Septem 30. 1861

Received of His Excellency Anson Burlingame Envoy Extraordinary & Minister Plenipotentiary of the United States to China payment of the above amount in full on account of the Legation

(Signed) John Miller

Copy

Voucher 4

Legation of the United States at China

To John Miller Dr.

1861			£	s	d
Oct	1	Postage to China		4	-
		Freight to Hongkong		4	6
	8	Postage to China		3	-
	17	Freight to Hongkong		6	-
	"	Postage to China		4	-
Nov	1	Freight to Hongkong		5	6
	"	Postage to China		8	-
	4	" from United States (W)		2	-
	18	Freight to Hongkong		6	6
	19	Postage to China, 12/. & 2/.		14	-
	30	Freight to Hongkong		10	-
Dec	2	Postage from the United States (W)		3	-
	9	" to China, via Marseilles		2	9
	12	" to " (W) 1/. & 1/.		2	-
	17	Freight to Hongkong		14	-
	"	Postage to China		4	-
	26	" to " via Marseilles		3	-
	30	" from United States		2	-
	31	" of Am. newspapers during the quarter		2	8
		Part of Christmas gratuity to postmen		2	6
		" charges on dispatch bags to & from Liverpool during the quarter		10	-
			£	5 13	5

London, Decem 31. 1861

Received from His Excellency Anson Burlingame, Envoy Extraordinary & Minister Plenipotentiary of the United States to China, payment of the preceding amount in full on account of the Legation

(signd) John Miller

Voucher 5 Copy

Legation of the United States at China
To John Miller Dr.

1861			£	s	d
May	27	Postage to Paris		1	"
June	3	" from "		1	4
	"	" to "		3	4
	10	" to "		6	4
	17	" to "		1	"
	25	" to "		0	8
July	1	" to "		1	"
	12	" from Vienna		6	8
	23	" " "		1	4
	"	" to Paris		3	4
Aug	13	" to "		0	8
	19	" from Vienna		1	4
		" of newspapers to Paris and Vienna from 27th May to 24th August 1861		18	"
			2	16	"

London, Septem 30. 1861

Received of His Excellency Anson Burlingame. Envoy Extraordinary and Minister Plenipotentiary of the United States to China. payment of the above amount in full on account of the Legation

(Signed) John Miller

£2.6.0

Copy

Voucher 6

Hongkong, December 31. 1861

Legation of the
United States, China

To Bull, Purdon & Co. Dr.

1861			
To Postages paid during the month of	January	$ 2	--
do " " "	February	2	--
do " " "	March	2	--
do " " "	April	1	42
do " " "	October	11	36
do " " "	November	8	07
do " " "	December	6	88
	Dolls.	33	73

Received Payment
for Bull Purdon & Co.
(signed) Geo. R. Lawrence

Copy.

Voucher 8

Hongkong, Dec: 31. 1861

U. S. Legation

To Messrs A Shortrede & Co. Dr.

1861

To one years subscription to Overland China Mail for Dep't of State, Washington	$8.00
To printing 70 passports	4.00
Dolls	12.00

Received Payment
(signed) A Shortrede & Co.

Voucher 7 Copy.

Legation of the ~~United~~ States
to China

To A Wells Williams Dr.

1861			$	
Dec.	31	For stationery for use of Legation, Chinese envelopes and paper	$ 2	-
		" binding two volumes of archives	3	-
		" one lb. of sealing wax	1	27
		" two tin traveling dispatch boxes	11	-
		" passage money paid for going to Canton and Hongkong, by direction of U. S. Minister	27	-
		" passage money paid for going to Shanghai to join U. S. Minister, and stopping at ports	100	-
		Dolls.	144	27

E. & O. E.

Received Payment
from Hon A Burlingame

J. Wells Williams
Secretary of Legation

V
1861

Rec'd 31. July. Mr Lemich

Dispatch. No. 16

Legation of the United States.
Shanghai. May 19. 1862.

Sir,

Referring to my dispatch of March 21st (No. 12) in which I stated the payment of the balances due the various claimants to the amount of $37,176[15] by the hands of Dr. Williams; and that there remained in the hands of the Depositary the sum of $5471[23] to the credit of the U. S. Government, I have now the honor to inform you that the balance which has since accrued from the debentures at Canton and Fuhchau has been deposited by the Depositary in one or two of the banks at Hongkong by my direction, where it will draw a moderate interest. It is supposed that the remainder will not be received in less than two years, and I think is more likely to require three, as nearly all of it is to be derived from the port of Canton alone. There are some advantages connected with its investment here

Claims paid U.S. Citizens in full.

To Hon'ble William H. Seward
Secretary of State of the United States

as it accrues, and when the whole sum is available, it can be moved at once with no more trouble than the several instalments would each require. I beg to bring to your notice the Depositary of Claims, Messrs. Olyphant & Co., in order to express my satisfaction at the manner in which they have cooperated in every part of the details connected with the payments of the amounts.

Disposal of Balance to be collected

In respect to the final disposition of this balance, I beg leave to make a few observations, which are prompted by the reference to the subject in the President's Annual Message. I infer from that allusion, that any further demands for compensation on the part of claimants whose awards were less than their estimates of losses, or whose claims were rejected, will not be entertained; but that the decisions of the Board of Commissioners in January, 1860, as approved by the U. S. Ministers, will be regarded as final. I have reasons for the remark that I think strong efforts will be made to revise those decisions

In

F1.

In November, 1860. Dr. Williams was at Washington, and brought this matter to the notice of Mr Cass in a short paper presented to him, which was further verbally explained to Mr Trescot, and which is doubtless on file in the Department. In it the suggestion was made to devote the balance to the benefit of both the Americans and Chinese, by founding an institution in China, at which the language and literature of each could be taught to pupils selected from each. If we examine the circumstances attending the negotiations respecting the claims, I think, we shall find that the arrangement made at Tientsin in June 1858 with Kweiliang, and confirmed by the convention at Shanghai, was under the belief that the sum of 500,000 taels would cover all actual losses of our citizens and leave little or nothing over. The subtraction of 100,000 taels from the demand at Tientsin was made after obtaining such additional data as warranted it, in order to apportion the receipts from the debentures to the expected claims.

Proposal to Mr Cass.

claims. If you will refer to the schedule of claims given in Mr. Reed's dispatch of Novr 10. 1858 (N° 37, Inc. 3, Sen. Ex. Doc. N° 30, pp 520-528) you will see that great pains were taken by him to ascertain the exact amount, and it was incurring some responsibility to reduce the first demand by one-sixth, when the whole subject was so vaguely ascertained. However, the Chinese Commissioners put trust in the statements made to them, and signed the convention of Nov. 8. 1858 as a receipt in full, so to speak, of all liabilities of the Imperial Government for losses incurred by American citizens. I also refer to a remark in Mr Reed's dispatch (p. 522), that it was at one time proposed to them that any excess received beyond the claims and interest should be refunded, but they preferred to waive all claims upon any balance that might remain.

I have referred to these initiatory details in order to illustrate the position of this claim-money, and to fortify the pro-

posal

posal made by Dr Williams above referred to. Its application is undoubtedly under the control of the United States; and no one would, I should think, propose any other use of the balance, (the adjudicated claims being paid) than in some manner connected with China. Both the applications referred to in the Message have this direction. A literary institution where young men from America can be educated in the Chinese language would prepare a corps of interpreters, from whom the President might select suitable assistants in the consulates and Legations. The necessity for doing something to place our consulates in a more respectable position in this respect is continually increasing, and the disabilities incurred in the public service through this inadequacy in this line numerous. The English, French, Russian, Dutch and Spanish consulates are all supplied with trained interpreters, but only three of the American consulates have authorized interpreters, and many of the consuls are compelled to

Reasons for establishing a literary Institution

request

request the aid of missionaries in their interviews or correspondence with Chinese officials, or depend on natives whose acquaintance with English is imperfect. In a country where we claim the rights of ex-territoriality, it is highly desirable that we should be able intelligently to decide all cases in the Consular Courts between our countrymen and the natives, and this requires competent knowledge of both languages. An institution like that here proposed could provide pupils for Government selection, or else give the preference to Americans who wished to prepare themselves by study for such positions.

Need of Interpreters. Chinese will be benefited.

But I am disposed to urge the adoption of this proposal more with a reference to the benefit such a college would be to the Chinese than to ourselves. We are better able to judge of their need of such a place for training young men of promise in the languages, science, and ethics of western lands, than they are themselves; for the highest dignitaries

of

of the land are quite ignorant of all those subjects. Heretofore they have lived in such seclusion that they have had no opportunity of knowing much about them, the while too, enveloped in such an atmosphere of conceit that they have had no desire to dissipate their ignorance; but now the approach of foreign nations to the capital, and the location of their representatives within its precincts, have startled them from their nonchalance. But they are little fitted for appreciating their own position, much less for learning the designs of foreigners; they have small knowledge of their own duties and rights, or of those of their visitors, and present at this moment a singular and melancholy spectacle of the rulers of a great nation drifting along in pitiable ignorance of their own responsibilities

I regard it as a favorable circumstance that the four nations who have recently formed treaties with China, are agreed ~~as to the propriety and practicality~~ in the hope that the present dynasty will be able to maintain its authority. ~~of upholding the present dynasty~~, and

there

there are many encouragements at present to assist the leading statesmen in the empire in entering the new path before them. I believe that the American people will continue to exert an increasing influence upon this; and the establishment of a college at Peking, with a few philanthropic, well-educated, earnest-minded instructors in charge of it, would tend to exert a lasting and excellent influence at the seat of the government in support of peace and commerce throughout all the provinces. The schools which have already been established by missionaries in various places prove the feasibility of such educational efforts, and encourage the formation of a higher institution. If it promote sound morals as well as accurate knowledge, the highest purposes of its establishment will be attained.

When I consider the benefits that are likely in a course of years to result from a well ordered institution

tion

tion of this sort — one like the colleges of our own country — where the youth of America and China can be brought into contact and mutual appreciation, I can but deem this proposal to be worth your consideration, and even approval. In equity the balance appears to belong to the Chinese, but they have no voice in its disposal. If set apart to the payment of subsequent claims as they arise, will they then have any control as to what claims shall be taken from it, or is it intended to pay chiefly those claims which they decline to admit, but which the United States Government regard as just? These questions have occurred to me, and others too as to the policy of laying up a surplus at all to the credit of a government like this. It has yet no settled policy in its foreign relations, but is beginning to learn what they are as exhibited by its foreign representatives, and shaping it more in conformity to western usages. The events which have given rise in former times to reclamations for indemnity from the Chinese, have,

Doubtful Policy of laying by a fund for claims

for

for the most part, been owing to the acts of other nations, in which our citizens were involved from their contiguity of residence or business. But when through the perversity of an official, or the license of a mob, losses occur or life is endangered, is not the moral effect among such a people as this greater, if we associate the penalty with the offense, and connect the safety of our citizens with the punishment of their aggressors? If indemnity be demanded of the Chinese Government, but actually taken from a fund it knows nothing of, and allowing the wrong-doers really to go free, it will place our authorities here in rather an anomalous position, and the Minister to China would find great difficulty in satisfactorily explaining the matter to the leading officers at court. They would probably hear, too, of a surplus to their credit, and inquire about it, or draw upon it in some unexpected way that would be embarrassing. So far as I am able to judge of the bearings of the case, it would be preferable to return the whole to them,

or

or distribute the money as it accrues to the disappointed claimants and those Chinese in the employ of our citizens who suffered severe losses in consequence of their connection with them, than to lay it aside for future contingencies to settle with a government like the Chinese.

Less hazard of claims being rejected by the Chinese Gov't.

I think that the probabilities of untoward acts on the part of officials are greatly lessened in time to come by the residence of foreign ministers at Peking, who can there explain cases as they occur, demand reparation if necessary, and point out modes of action. Since the Convention of Nov. 1858, one case has occurred where Americans and others suffered injury at the hands of a mob at Shanghai, and the local authorities made restitution at the request of the consuls, and paid the damages. The Chinese statesmen will, it is hoped, more and more feel that peace is their best policy, and endeavor to maintain it.

Unless we are willing to yield our national dignity in the eyes of these Asiatic nations, we must be prepared to maintain and

enforce

enforce our rights, and do so at the time they are infringed. But when we have obtained satisfaction for a wrong from the officials, to fall back upon a reserve from which to pay the money agreed to be justly due as an indemnity, would neutralize the whole effect of the demand for reparation. They might even be prompted to wrong doing by their knowledge of such a fund, referring our consuls and ministers to it to repay the sufferers as much as they pleased.

By devoting it to some general and benevolent purpose, like that here recommended, the money is removed from the hopes and schemes of speculators or future sufferers, and from the care of our government or its representatives in China, neither of whom would desire to involve themselves in its responsibilities. The sum of $210,000 would not go far to repay losses incurred by a catastrophe like that of Dec. 1856 at Canton; but it is enough, if properly managed, to begin an institution, and may serve as a model for others to be undertaken by the people.

I have the honor
to remain, Your's obediently
Anson Burlingame.

V. Rec'd 31. July. Mr Seward No 17.

Shanghai May 18th 1862.

Sir

I have the honor to acknowledge the receipt of your despatch No 7. under date of Feby 18th.

In reply to your despatch No 6. I have to write, that, upon examination, I find that I have no power to appoint Inspectors of Customs. By [Rule] Art. 10. of the Supplementary Treaty the high officer appointed by the Chinese Gov. to superintend foreign trade, "will be at liberty of his own choice and independently of the suggestion or nomination of any American authority to select any American citizen he may see fit to aid him in the administration of the Customs revenue". I shall still try to incline the high officer in the direction of your desires. I have received a despatch from Arthur. B. Bradford Esqr our Consul at Amoy, informing You Wm H. Seward Secretary of State

informing me that an American citizen at that Port by the name of Ward - W. W. Ward - brother of my predecessor - is an avowed Secessionist. In your despatch No. 6. you intimate that the Gov. has no disposition "to disturb him"; from which I infer that his brother is loyal and that you suppose him to be, and that you desire to mark your appreciation of loyalty in Southern men. If, upon conformation of the information of Mr Wards treasonable proclivities I shall use all the influence I can to persuade the Chinese Gov. to select a loyal American in his place I am confident that I shall receive your approbation.

I am happy to inform you that through the active influence of George F. Seward Esqr, our Consul at this Port, the first Place in the Staff of the Harbor Master, was secured for an American.

American. In the Customs arrangement the Americans have the chief place at Canton Amoy and Kui Kiang. the English at Shanghai and Hankow, and the French at Foo Chow.

Since my despatch No. 14. Ningpo has been taken from the rebels, through the aid of the English and French, with considerable loss to the allies, and the authority of the Chinese Govt. is restored.

The English and French ~~and Imperialists~~ have undertaken to maintain a line, twenty miles from Shanghai - running from the Yang-tsze Kiang river to Hangchow Bay. and are now engaged in driving the rebels, with many battles - beyond it.

I have just learned of the fall of the French Admiral Protet who was killed by the rebels yesterday. I have not learned the particulars. His loss is much felt, and every demonstration of sadness made.

2

I shall depart from Peking to-morrow evening by the Steamer Courtney.

I have the honor to be

Your Obedient Servant
Anson Burlingame.

Rec'd Aug. 28 Mr Derrick

No. 18

Shanghai June 17th 1862

Sir

I have the honor to inform you that after securing for myself and suite passage by the Carthage Dr Williams ascertained that she had been chartered by the Chinese, and that we could not properly go in her. In the mean time the Saginaw on her way to California had arrived and her gallant commander said that rather than have me go up under a foreign flag he would take me to Yeddo. After this arrangement had been made a letter arrived from the War Department stating that the Wyoming had been ordered to this station. I feel

Hon William H. Seward that

Secretary of State

that it would be better to wait her arrival than to have the Command of the Saginaw depart from the line of his instructions

Your despatches Nos eight and nine have been received and have given me great gratification. The former relieves me from arbitrary instructions and permits me to "consult and cooperate" with the western powers; the latter approves of my course at Ningpo and of the policy thus far pursued by me.

It certainly is not our policy to acquire territory in China, nor do we desire to interfere in the political struggles of the Chinese further than to maintain our treaty rights. When these are endangered by Pirates

Pirates and bandits [and the rebels are nothing else] and the English French and Chinese are seeking to maintain treaty rights, to be neutral is to be indefferent, not only to the rights of our citizens but to the interests of civilization. If at any future time the English or French or either of them, should menace the integrity of the Chinese territory then the very fact that we had acted with them for law and order would give us greater weight against such a policy. There is great temptation for them to aggress. Here are over three hundred million of people who are without arms industrious patient and wealthy and who, it is thought would be but too happy to submit to any power that would protect

protect them. If the treaty powers could agree among themselves to guarantee the neutrality of China and together secure order in the treaty Ports and give their moral support at least to that party in the Empire which would most favor a stable government the interests of humanity would be subserved The treaty powers are practically doing this now, but how long they may remain in agreement it is impossible to imagine I will not however speculate too much with regard to the future of this singular people. as you well write "revolutions are apt to effect sudden and even great changes in very short periods

periods of time "I shall endeavour in a spirit of friendship for this people to meet the requirements of each town as nisely as I can, seeking sincerely to develope a higher civilization in their midst.

The line agreed upon by the allies, from the Yang tze river to Hung chow Bay, twenty miles from Shanghai beyond which the rebels were to be driven has been abandoned. It was not difficult to beat the rebels but there was not foreign force enough to hold the places taken until Fall, therefore the operations will be limited to a defence of Shanghai and the other treaty Ports

I have the honor
to be Your obt.
Servant
Anson Burlingame

Rec 28. Aug. Mr Dennick

No 19

Shanghai June 18th 1862

Sir

I had nearly completed a paper on the commerce of the Yang tze River and China when Mr Fitz Roy, Superintendt of Customs, kindly sent me the returns which I herewith forward. They are so full that I can add nothing to them.

I have the honor to be your Obedient Servant

Thos Rutledge

Hon William H. Seward
Secretary of State

No. 20

There is no despatch corresponding to this number from the Legation as Mr. Burlingame accidently missed this number in the numbering of his despatches.

See memorandum from the Legation dated 7th January 1867.

Rec'd 12. Sept.

No. 21. Shanghai July 18th 1862.

Sir

I have the honor to inform you that having waited a long time for the Wyoming, without hearing anything definite as to her coming, I have decided to go to Peking by the American Steamer "Contest" which will depart ~~depart~~ for Tientsin to-morrow at twelve o'clock, and which has been placed at my disposal through the loyalty and patriotism of Edward Cunningham Esqr, who is at the head of the House of Russell and Co. Shanghai, with only the charge of ordinary fares, which I insisted upon paying for myself and suite. I had been invited by Vice Admiral Sir James Hope — with all delicacy and cordiality peculiar to him — to accept a passage

Hon William H. Seward
Secretary of State

in an English man of war. The Chinese also proffered me a Steamer but while, appreciating the kind motives which prompted these hospitable invitations I thought that self respect and the honor of my country required that I should go up, at least, under the American flag.

Permit me once more to call your attention to the delicate courtesy of Sir James Hope. whose letter I sent you on my first arrival at Shanghai. I addressed him a letter yesterday, a copy of which I will send by the next mail- thanking him for his kindness to me personally but more for the protection he had given my countrymen. He has been the soul of the defence of foreign interests and has taken the responsibility of doing the thing that ought to be

done

done at the time it ought to be done.

I send you a copy of a despatch from our Consul at Newchang marked A which refers to the conduct of a band of robbers known as "Sword racks" or "Knife men".

I have the honor to be your Obt Servt
Hussu Bunting Cumd

A

United States Consulate
Yung-stze district Newchwang

Sir

Learning that your Excellency will shortly visit Peking, it is my duty to acquant you of the existance of a band of outlaws at this Port the leaders of which are so wealthy, their numbers so numerous and depredations extended: that I deem it necessary the subject should be noticed and the Mandarines, or Commissioners of Foreign Affairs for this port be requested to use their utmost powers for the suppression of these violent persons.

These bands are in no way connected with the so called Rebels of the Southern Provinces, or to my knoledge, with the Tartar robbers and bad Chinese who come over the North-Eastern borders of Mongolia but have

rendez-vous at this place.

They are termed "Sword Racks or Knife Men" (literal translation) who during the winter months plunder the surrounding villages and travelers or trains of teams on the road, and, tho' have heretofore proved very troublesome at Ying-stze, but the presence of 30 British Soldiers and a commanding Officer seems to have contributed much to our security and quietude.

I have never thought it likely they would annoy foreigners or those in their employ: but it appears during the Summer or business months these individuals are one means of obtaining a living, exercise by force a control over the Cargo Boats and Coolies exacting from both a squeeze of a large per centage of their Earnings.

It is the Custom here as elsewhere in China for foreigner Merchants to engage Cargo Boats and Coolies

through their Compradors paying the wages of the Port and under such circumstances it appears these "Swordracks" could not collect or retain their customary squeeze but determained to make an Effort.

On the 19th of April they committed their first act against or near the foreign hongs by assaulting a number of coolies in the employ of Messrs Knight & Co. American Merchants while landing cargo opposite their Godowns: and would except for the appearance of foreigners have wounded and driven them away.

Since then I have addressed Chang Commissioner of Foreign Affairs for this Port relative to some land for Americans and referring to article 11th of Treaty requested him to cause the apprehension of two notoriously bad characters who lead the party

named

Yang Chee and Hang Kivisling and have them punished as a warning to their associates.

I have the honor to be

Your obedient servant

(S) Francis L. Knight.

To

Hon Anson Burlingame

United States Minister

to China —

Rec'd Nov

No. 22

Legation of the
United States
Peking July 24th 1862

Sir

I have the honor to inform you that I arrived at this place on the 20th of July. The journey was tedious but still accomplished without serious inconvenience. The Foreign and Chines Officials offered me every facility for my progress. At Tien Tsin I had a pleasant interview with Tsung-How Commissioner of Trade. From Tien Tsin I came by the river Peiho as far as Tung chau by boat and from there twelve miles in a chair which had been kindly sent by Count Kleczkowski Chargé d'affaires of the French.

The Commissioner of Trade sent with me a high Mandarin and a guard. The Mandarin from William H. Seward

Secretary of State, was

was compelled to return because of a severe attack of cholera - a disease which is now raging throughout this region.

The hospitality of the Foreign Legations was kindly tendered me & accepted that of the French as it was the first proffered.

On my arrival at Tien Tsin I addressed the letter marked A. to Mr Bruce the British Minister, also a letter to Prince Kung Marked B. To these letters I received replies, copies of which I send, marked C. and D. I send also a letter marked E. which I addressed to Vice Admiral Sir James Hope before I left Shanghai.

On my arrival at Peking I addressed the note marked F. to Prince Kung to which he replied that his Father in law Kweiliang ..

Kweiliang had just died but that in a few days he would be pleased to have an interview. Two of the members of the Foreign office called and expressed their delight at my arrival and at the same time presented the misfortunes of Prince Kung. I find that a great change has taken place in the disposition of the Chinese since my predecessor found such trouble in Peking.

I have in my suit Dr S. Wells William Secretary of Legation and Interpreter; B. Wistar Fellowes Private Secretary and the Rev. J. S. L Schereschewski who will establish the 1st American Mission in Peking.

I have the honor to be Your Obt. Servant
Anson Burlingame.

3

Copy A

Tien-Tsin July 10th 1862

Sir

I have the honor to inform your Excellency of my arrival at this place, and that I propose to depart for Peking, by way of Tung-Chow, on Monday next.

I forwarded to you a letter from Vice Admiral Sir James Hope immediately upon my arrival, but without any explanatory letter save a hasty note written, while your Courier waited, to Count Kleczkowski.

The uniform kindness I have received from Her Majesty's Officials since my arrival in China demands from me an acknowledgement and makes it my pleasant duty to put myself into Confidential relations with her Chief Representative - To this end I am happy to inform you that my cooperation with Sir James.

His Excellency

Honorable F. W. A. Bruce C B.

H. B. M. Envoy &c &c &c

Sir James at Ningpo and
Shanghai - of which doubtless
you are advised - has received
the hearty approval of my Gov-
ernment, and the following lan-
guage from the Secretary of State
has been given me as a guide
for the future. "The interests of
this country [United States] so far
as I understand them, are
identical with those of the two
other nations [England and France]
I have mentioned -

"There is no reason to doubt
that British and French Ministers
are acting in such a manner
as will promote the interests
of all the Western Nations -

You are therefore instructed
to consult and cooperate with
them unless in special cases
there shall be very satisfactory
reasons for separating from
them."

In the full spirit of these
instructions

instructions I propose cordially to meet your Excellency and to "consult and cooperate" for the common good of our respective nations.

I have the honor to be Sir
Your obedient sevtant
[Signed] Anson Burlingame

Copy. B.

Legation of the
United States.

Tien Tsin July 9th 1862

The undersigned. Envoy Extraordinary and Minister Plenipotentiary of the United States to China, has the honor to inform His Highness Prince Kung that on the 29th day of May last, he sent him a dispatch intimating his intention to proceed on to the capital in order to deliver the letter from the President with which he is charged; and though he has not yet learned that that dispatch has been received, he has now further to communicate his arrival at Tien Tsin, and that as soon as preparations are made he will proceed on his way to Peking. This note is now forwarded in advance in order to make known to His Highness that he has come to this place

To His Imperial Highness
Prince Kung

Signed
A. Burlingame

Copy. C.

Peking.
July 14th 1862.

Sir

I have the honor to acknowledge receipt of your Excellency's despatch, dated Teintsin, July 10th, with the letter from Sir J. Hope, which you were good enough to transmet to me by previous occasion.

It is with much pleasure that I learn your approaching arrival as it will be most satisfactory to me to have the benefit of your counsels, in endeavoring to provide for the security of foreign interests and trade, amid the serious complications

His Excellency presented
A Burlingame Esqr
&c &c &c

presented by the existing condition of China.

I am glad to hear that Sir J. Hope, and those of Her Majesty's officials who have been in communication with your Excellency, have met you in the cordial spirit which it is the wish of Her Majesty's Government should animate its agents in China towards the Representative of the United States.

Count Alexiewski informed me that he had offered you the hospitality of the French Legation until your arrangements are made. I need not say that the British Legation is placed most willingly

willingly at your
disposal.

I have the honor to be Sir
Your obedient Servant
(S) Fredirick H. A. Bonce

Copy. D

Kung a prince of the Imperial House and Secretary of the affairs of Foreign Nations herewith replies.—

I had the honor to acknowledge the receipt of your Excellency's previous dispatch, in which you expressed the cordial sentiments you feel as being those which exhibit the amicable relations now existing between our countries; and, have now the honor of again replying to a dispatch just at hand, in which you inform me of your arrival at Tien Tsin, and that you intend soon to start for the capital.

The intention of your Excellency's present visit to Peking is to make known the friendly feelings which exist towards this country, that the subjects of both may thereby feel that they should act in the same spirit; and henceforth these amicable relations will be strengthened, and the merchants and citizens of both countries receive increased benefit.

To H. E Anson Burlingame &c
Envoy Extraordinary &c &c U.S.A.

It is for this purpose that I write this reply

July 14th 1862

Tungchi 1st year 6th moon 18th day.

The above was received at Ma-tau on the Peiho and a note sent back by the courier acknowledging its receipt, on the 17th of July.

Copy- F.

Legation of the
United States
Shanghai June 30th 1862

Sir

I cannot proceed to Peking with out thanking you most sincerely not only for your many acts of kindness to me personally but for the protection you have never failed to extend to my country men during the exciting period through which we have passed-

As soon as I arrived at Shanghai you did me the honor to call upon me and with a delicacy I cannot forget you made reference to the disturbed state of my country and generously suggested that your force was, for purposes of protection, at my disposal and not only stated it but boldly addressed a letter to me to the same

To Vice Admiral Sir James Hope Effect.

effect in which you gave
a proffer of the same
protection to my country-
men as to your own -
You have more than redeemed
your promises - In as far
as I co-operated with you
at Ningpo and Shanghai
I am happy to inform you
that I have received the
hearty approval of my
government, which has
instructed me to follow
the line of policy hither to
pursued by me, and, as the
Western powers have a common
interest in China to consult
and Co-operate with them in the
line of policy to be pursued
in the future -
I hope your own
desires and the commands
of her Majesty's Government
may continue you in China
that the vigorous policy
pursued

pursued by you may have its
fruition in the establishment
of order and immunity from
a rebellion which, in its present
form, can have no defenders
among those who wish well
to the humain race—

I have the honor to be Sir
Your obedient servant
[Signed] Anson Burlingame—

Copy V.

Note sent to his Imperial Highness
Prince Kung July 22d 1862.

I arrived at the capital on the 20th
instant, and am now present
temporarily stopping at the Legation
of France. When the various duties
incident on arrival are attended
to, it will be proper to present
the President's letter to his Majesty
At your Highness' leisure, please
appoint a day when I can in person
assure you of my sincere regard; and
meanwhile, I avail myself of this
opportunity to respectfully wish
you the enjoyment of every
happiness-

(S) Anson Burlingame

V

No. 23.

There is no despatch corresponding to this number from the Legation as Mr Burlingame accidently missed this number in the numbering of his despatches. See memorandum from the Legation dated January 7. 1867

No 24. Rec'd Oct 6th

Legation of the
United States
Peking Aug. 23d 1862

Sir

I have the honor to inform you that on the 5th of Aug. I received from Prince Kung a letter [marked A] in which he expresses a great desire to see me, but regrets that he is as yet too weak, on account of previous illness to have an interview. On the 15th of Aug. I received another letter from him [marked B] stating that though not quite well, yet that he might carry out his desire for a friendly interview, he would fix upon Wednesday the 20th of Aug. at 3 o'clock P.M. On that day accompanied by Dr S Wells Williams, B Wistar Pellowes and J. S. J. Schereschewsky, I proceeded to the Chinese Foreign Office where I was received by Hon William. H. Seward Secretary of State

by the Prince and suit in the most friendly manner. The interview lasted for two hours and was marked by great freedom and cordiality of expression on both sides. I spoke to them of our long continued friendship and said that our policy was one of peace; that our relations were such that we could never have any motive but for our mutual good: that from our contiguity numbers and growing trade we must be brought in the future, into more and more intimate relations which would require mutual kindness and forbearance. The Prince and suite were pleased to learn of the proposed line of Steamers to Shanghai; they enquired kindly after their people in California. We discoursed of the rebellion in China and of the means of overcoming it. of the success of Genl. Ward - an American - with his Chinese soldiers trained after the foreign forms. I recommended that they should

abandon

abandon the old style of fighting and think they should organize a smaller, but more efficient force against the rebellion and, above all, think they should adopt a more liberal policy towards all but the leaders of it.
I presented a history of the United States, in Chinese, by Dr Bridgeman, to the Prince. I presented, also, through the Prince to the Emperor, a splendid edition of the Bible, at the request of Bishop Boone, and on behalf of the American Bible Society. It was accompanied with a little history of the book in Chinese by Dr Williams. They were much pleased and one of them [Wansiang] said that they received the book as a symbol of our friendship. The interview was exceedingly agreeable and would seem to indicate, on their part, a total abandonment of their ancient policy of exclusiveness. To day I have been informed, by letters and by Messengers that a portion of the Prince's

Suite

sent would return my call next Tuesday and that the Prince himself would call on Wednesday. I send a copy of a note [marked C] which I received in response to copies of the history of the United States which were sent. I send also [marked D] a commission to Wm. E. Putnam as acting Marshall at Whampoa in response to the request of our Consul at Canton C. M. Perry Esqr. [marked E] I send also an abstract of a Treaty just concluded between China and Portugal, which is the result of a long and laborious negotiation between the Chinese on one side and Governor Ferdinand F. Guimaraes for Portugal, aided by Count Kleczkowski on the other. The important portion of the Treaty I note in Article 2 & 3 where Macao is virtually yielded to Portugal. Art. 5 & 3 provides for a settlement of disputed questions by arbitration by the other Treaty powers.

I have the honor to be

Sir

Your Obedient Servant

Anson Burlingame.

A.

When your Excellency arrived in Peking, I was very desirous of seeing you, but at that time I was ill and asked for a short respite. My illness is gone indeed at this time, and I am at leisure, but I am left in such a weak state of body that a few days will be requisite to recover entirely, before it will be agreable to have an interview, at which we can interchange the sentiments of peace and amity which we entertain.

I send this note beforehand to inform you, and avail myself of the opportunity to wish you the days enjoyment - Inclosed the Card of Prince Kung.

August 5th 1862.

13

Since your Excellency's arrival at the Capital I have indeed been desirous of meeting you, but in consequence of indisposition have been unable to do as I wished. I am now rather better and in order that I may carry out my desires for a friendly interview at which we can express the amiable feelings we entertain. I have appointed the 20th inst at 3 o'clk P M, if Y.E. has leisure on that day, to meet you at the Foreign Office, when we can have a meeting.

I beg to present you my best wishes, and shall look for an answer to this.

Aug 15th 1862

Card of Prince Kung.

Your note, with the accompanying copy of the History of the United States, has been received. I shall most carefully look the work over and therefore be able to obtain a thorough knowledge of the Customs, the geography and the Character of the people of that country. I shall keep the volume at my side, and be gradually extending extending my information as I look at it.

I return this note of thanks for it, at the same time availing myself of the opportunity to wish you happiness—

Aug 23d 1862.

Cards of Wansiang, Tung & Pantikue.

Copy. D

omit

To

William C. Putnam

Sir

By virtue of the power vested in me as Envoy Extraordinary and Minister Plenipotentiary of the United States to China. I do hereby appoint you Marshal for the Consulate of Canton at Whampoa and authorize you to perform the duties appertaining to the office of Marshal and to enjoy the emoluments of the same until the pleasure of the President shall be further known. The pay and responsibilities belonging to your office will date from your entrance upon its duties by the request of Oliver H. Perry United States Consul at Canton.

In testimony whereof I have hereunto signed my name and caused the seal of the Legation to be affixed this 23d day of August 1862 and the Independence of the United States the 87th

Anson Burlingame

Copy

No 6 Permit

United States, Consulate, Canton

June 25th 1862

Sir

On the 10th of March last Mr J.H. Haskell being about to leave Canton permanently resigned the office of U.S. Marshal for this port and I appointed Mr Wm E Putnam to fill the vacancy.

I mentioned the appointment to Dr Williams Secretary of Legation (you were then absent at the North) and he approved it, but it has since occurred to me that the appointment is not a legal one with out the approval of the President. I would therefore respectfully request that you will submit Mr William E. Putnam's name to the executive for appointment.

Mr Putnam is well and favorably known by American Merchants in China he having commanded vessels in the China trade

To the Hon

for

Anson Burlingame
U.S. Minister Plenipotentiary

&c &c &c

for over 25 years.

Mr Putnam is at present performing the duty of U.S. Marshal as well as U.S. Consular agent at Whampoa.

I have the honor to be
Sir
Your obedient servant
(Sd). O.H. Perry
U.S. Consul

F Amst

Translation.

Legation of Portugal to
China.

Most Excellent Sir,

I have the honor to inform your Excellency that I have this day signed a treaty of amity and commerce between Portugal and China. Knowing how great an interest Y. E. has taken in the successful progress of the negotiations connected with this Treaty, it is a pleasant duty for me to apprise you of the happy conclusion of the mission which His M. F. Majesty has committed to me.

I avail myself of this opportunity to renew to Y E the assurance of my highest consideration

Tientsin, August 13. 1862

(Signed) Isidoro F. Guimarães

To H. E.

Anson Burlingame

Envoy Extraordinary &c &c of U. S. A.

F

Copy.

Tratado de Amizade e Commercio entre Sua Majestade Fidellissima el-Rei de Portugal e sua Majestade o Imperador da China.

Sua Majestade Fidellissima El-Rei de Portugal e sua Majestade o Imperador da China, querendo fixar sobre bazes solidas, por mei de um Tratado solemne, as relações de amisade e commercio que ha seculos existem entre o Reino de Portugal e o Imperador Chinez, nomearam para esse fim como seus Plenipotenciarios, a saber:

Sua Majestade El-Rei de Portugal a Izidoro Francisco Guimarães, do seu Conselho, Governador Geral de Macaõ, Plenipotenciario na China, Commendador da Antiga e Unir Nobre Ordem da Torre e Espada do Valor, Lealdade e Merito, e das de S. Bento de Aviz, Nossa Senhora da Conceiçaõ de Villa Viçosa, Carlos 3º de Hespanha, e do Elefante de Siam; Cavalleiro da Ordem de Nosso Senhor Jesus Christo,

Capitaõ

Capitaõ de Mar e Guerra da Armada,
&c &c &c

E Sua Majestade o Imperador da China a Hang-ki, alto Commissario Imperial da dynastia Ta. Tsing, membro do ministerio dos Negocios Estrangeiros e do Tribunal dos Ritos, condecorado com a Insignia do 1º grão, General das Tropas da Divisaõ do Bandeira vermelha bordada, Conselheiro d'Estado honorario, &c &c e Chung-hou, Conselheiro Privado, Ministro do Tribunal dos Ritos, Superintendte do Commercio Estrangeiro nos Portos de Tang-chou, Tien-tsin e New-chuang, General interino da Provincia de Tchily, &c &c &c

Os quaes, depois de haverem trocado os seus respectivos plenos poderes, que acharam em boa e devida forma, concordaram nos seguintes artigos de Tratado.

Art. I. [Estabelece paz e amisade entre os dois Soberanos, e inteira protecçaõ aos seus respectivos subditos]

Art. II. Attendu que les Hauts Commissaires

missaires des deux pays, munis des pleins pouvoirs à cet effet, vont conclure, signer et sceller de leurs armes respectives le présent Traité, il est arrêté de commun accorde que tout ce qui a été précédemment convenu par ecrit, imprimé ou verbalement, concernant les relations de toutes sortes entre l'Empire des Tsing et le Royaume de Portugal, ainsi qu'entre Macao, jadis dans le Kouangtong, et le gouvernement de la Chine, à quelque époque et en quelque lieu que ce soit, est aujourd'hui déclaré nul et abrogé – le present Traité devant desormais avoir seul force de loi, par rapport à ces mêmes relations des deux pays, sans que jamais on puisse y apporter le moindre modification.

(Traduction du Portugais original)

Art. 3. – O Governador Geral de Macao, na sua qualidade de Plenipotenciario de S. M. F. na China, poderá ir á Corte de Pekim todas as annos, quando importantes negocios lhe exijam.

Se no futuro o Governo de sua Majes-

tade

tade o Imperador da China dêr faculdade para residir permanentemente em Pekim ao Plenipotenciario de qualquer outra nação extrangeira, alem das que já hoje alli teem Representantes, o Enviado de S. M. F. poderá considerar essa permissão como sendo-lhe extensiva e aproveitar-se d'ella se o julgar conveniente.

Art. 4.— [Immunidades dos Agentes diplomaticos nas suas residencias, em conformidade do Direito das Gentes.]

Art. 5.— As despezas das Missões diplomaticas de Portugal na China serão pagas pelo Governo Portuguez. Os agentes diplomaticos que S. M. o Imperador da China se dignar accreditar junto á Côrte de S. M. El-Rei de Portugal serão recebidos com todas as honras e prerogativas de que gozaram todos os mais agentes diplomaticos extrangeiros d'igual gerarchia, accreditados n'aquella Corte.

Art. 6.— As correspondencias officiaes, enviadas pelas auctoridades portuguezas ás auctoridades chinezas, serão escriptas em Portuguez, e acompanhadas da traduc-

ção

ção Chineza. Do mesmo modo será o presente Tratado escripto em Portuguez e China depois de confrontado devidamente é servirá de documento a cada nação a versão escripta na sua propria lingua.

Art. 7. – [Artigo 4º do Tratado Francez de 1858]

Art. 8. – Em todos os pórtos da China adbertos ao commercio poderá S. M. El. Rei de Portugal estabelecer consules para tratarem dos negocios commerciaes e vijiarem pela observancia de todos os artigos d'este tratado. Os consules e as auctoridades locaes deverão tratar-se reciprocamente com prolidez e corresponder-se em termos de perfeita igualidade.

Os consules e consules interinos terão honras de tao-tai; e os vice-consules, agentes consulares e interpretes traductores as de perfeito. Os seus poderes serão iguaes aos das auctoridades consulares das demais nações.

Estes funccionarios deverão ser verdadeiros agentes do governo Portuguez,

e

e nas commerciantes. O governo Chinez
nenhuma objecção fará porem a que
Portuguez, nas julgando necessario
enviar um verdadeiro consul para
qualquer dos portos, encarregue in-
terinamente o seu consulado n'esse
porto a um consul de outra nação.

Art. 9. — S. M. le Roi de Portugal et
S. M. l'Empereur des Tsing, desirant
manifester l'un à l'egard de l'autre, le
meilleur bon vouloir et l'amitié recip.
roques, il est convenu entre les Plen.
potentiaires respectifs, que les sujets des
deux pays seront toujours traités mu-
tuellement, en Chine comme en Portugal,
en tout lieu et en toute chose, comme
les sujets des pays très amis. Le Roi
de Portugal ordonnera donc aux autor.
ités de Macao de s'efforcer constamment
le mieux pour y empecher effectivement,
tout ce qui pourrait causer un préju-
dice quelconque aux interêts de la
Chine; et l'Empereur des Tsing pourra,
en conséquence, instituer à Macao,
suivant son bon plaisir, une fonction-

aire

aire qui y résidera pour traiter les affaires relatives au commerce et aux négociants et veiller à ce que les règlements soient scrupuleusement observés. Mais cet agent devra être Manchu ou Chinois de 4e ou 5e classe et ses devoirs comme ses droits ne différeront absolument en rien des devoirs ou des droits des consuls de France, d'Angleterre, des Etats-Unis, et d'autres pays, qui résident soit à Macao, soit à Hongkong, et qui y remplissent, en faisant flotter leur pavillons nationaux, leurs fonctions consulaires respectives.

(Traduction du Portugais original)

Art. 10.- É permittido a todos os subditos Portuguezes e suas familias habitarem ou frequentarem os pórtos e cidades de Kwangchau (Cantão) Chauchou (Swatau), Amoy, Fuhchau, Ningpo, Shanghai, Chenkiang, Kiukiang e Hankau (no rio Yangtse) Tangchou, Tientsin, Newchoang, Taushwui e Taiwan (na ilha Formosa) e Kiungchou (na ilha de Hainan)

Hainan) e ahi commerciarem ou empregarem-se livremente. As suas embarcações poderão ir e vir sem embaraços, e as suas mercadorias importar-se ou exportar-se em qualquer tempo illimitadamente.

Art. 11. – [Like Art. 13th of the English Treaty.]

Art. 12. [Same as Art 9th of English treaty]

Art. 13. [Artigo 12° do Tratado Inglez, com a declaração de que so nos pórtos adoertos ao commercio é permittido o estabbelecimento de armasens.)

Arts. 14° a 22°. – (Same as Arts. 14 to 22 of the English Treaty.)

Art. 23. – Sec. 1° do Art. 29° do tratado Inglez, com o seguinte acrescimo: O superintendente da Alfandega dev. erá passar um attestado com declaração dos direitos de tonelagem que tiverem sido pagos.)

Arts. 24 e 25°. – (Arts. 24 e 25 do tratado Inglez.

Art. 26. (Art. 27° do tratado Inglez.

Art. 27. – O capitaõ de um navio

Portuguez

Portuguez poderá, quando assim lhe convenha, desembarcar uma parte somente da sua carga em qualquer dos pórtos adventos, pagando os devidos direitos das fazendas que desembarcar.

Art. 28. — Todo o subdito Portuguez que transportar para o mercado do interior do paiz mercadorias, de que já tenha pago os competentes direitos d'importação em qualquer dos pórtos adventos, ou que compram no interior fazendas para as levar para os pórtos do Yangtsz kiang, ou para os pórtos extrangeiros, deverá observar o regulamento novamente adoptado para com as outras nações.

Os escrivães e mais empregados da alfandega que não cumprirem o regulamento, o que exigirem mais direitos do que devem, serão castigados segundo as leis Chinezas.

Art. 29. — (S. 2º do Art. 29º do tratado Inglez.)

Art. 30. — (Art. 30º do tratado Inglez,

com

com o additamento de que deve porem o capitaõ dar parte sua chegada, para o competente registo, logo que entrar no pórto.)

Arts. 31° - 49°. - (Arts. 31° - 49° do Tratado Inglez.)

Art. 50° - (Art. 52° do Tratado Inglez.)

Art. 51 - Nenhum commerciante e nenhum navio Portuguez poderá levar a rebeldes ou piratas quaesquer mantimentos, armas, ou munições.

No caso de contravenção, o navio será confiscado juntamente com a carga, e o culpado entregue ao governo Portuguez para ser processado e punido com todo o rigor da lei.

Art. 52. - Serão extensivas ao governo Portuguez todas as vantagens e immunidades que o governo Chinez conceder a qualquer outra nação. Da mesma parte o governo Portuguez, quando outra nação conceder á China quaesquer vantagens, mostrar-lhe-ha tambem, do modo possivel, a sua amisade.

Art.

Art. 53. – Sendo possivel, não obstante existir paz e amisade entre Portugal e a China, que venha no futuro a suscitar-se qualquer duvida que as duas Altas Partes contractantes não possam facilmente decidir de commum accordo, é expressamente estipulado que, n'esse caso, cada um dos dois governos convidará o ministro de qualquer das nações extrangeiras que têem tratado com a China para decidir a questão, e que, se os dois ministros não combinarem se nomeará por por accôrdo dos dois governos um terceiro, cuja decisão será definitiva.

Art. 54. – As ratificações do presente tratado, por S. M. F. El-Rei de Portugal, e S. M. o Imperador da China, serão trocadas em Tientsin, no prazo de dois annos contados da data da assignatura

Trocadas as ratificações, o governo Chinez dará conhecimento do tratado ás auctoridades superiores de todas as provincias para que o pos-

ham em completa execução.

Em fé do que os Plenipotenciarios assignaram e sellaram o presente tratado.

Tientsin, 13 d'Agosto de 1862

Assignados

Izidoro L. Guimarães

Hang-ki

Chung-hou

25 Rec'd 27. Feb. Mr Ganch No 1

Peking Sept 16th 1862

Sir

I have the honor to call your attention to the communication marked A. addressed to me by Dr Williams in relation to the Legation at Peking. It was written at my request that he might have, in his own language the views of one who has resided twenty nine years in China and is now the oldest American official, with one exception, in the Empire. and has had more to do with the Legation than any other man.

It sets forth clearly the reasons why the Legation should be at Peking. it is the source of power and of influence and is where the Legations of the other Treaty powers are established Besides it is the desire of the Chinese themselves that we should

Hon William H. Seward be

Secretary of State

be here. He gives a brief history of the establishment of the Legations of the other Treaty Powers - with their cost in buildings - more than $40.000. each together with an account of my efforts to procure a proper site for them for convenience and safety.

He refers to our treaty obligations, recognized and enforced by act of Congress - to the fact that we have brought our whole system of Government to China, without providing the means of sustaining it - that the Chinese will not, nor are they required, to build a Legation - that they are willing to do much by giving us a site - that the Minister cannot build one and is therefore compelled to live in trunks with his country men in the south of China in a manner not conducing with his

over

ance of his Countries dignity.

The above are a few of the points made by Dr Williams. I do not know that I can add anything to strengthen the reasons he has given. In a former despatch I intimated that it might be desirable for the Minister to reside for a portion of the time at the South of China. Fuller knowledge has not confirmed that opinion. In further illustration of the necessity for a Government Legation, I beg to refer you to a paper marked B- which has been kindly furnished me.

It will be seen that the English have thirteen persons, not including guards and Servants, in their Legation and that the Salaries of these amounts to more than $70.000.00. The French and Russians have nearly the same force. The

Salary

salary of the English Minister exceeds by many thousand dollars our entire expenditure in China, and yet our interests, to be conserved, are large and still increasing. There is reason to believe that in a [redacted] through California and the Western coast, rise to an equality in trade with the English. Indeed Japan and the North of China belong to us already in a business sense by contiguity.

The American steamers even now, are surpassing the English on the great trading rivers Yangtse Kiang and our influence is felt throughout China all out of proportion to our numbers.

I bring these facts to your attention at this time, with great reluctance

when our country is struggling
for existance. I do not com-
plain that my salary is
not large enough to pay
my current expenses if
the Legation were once fur-
nished and if it were not I would
not ask for more at this time
but only bring to your knowl-
edge the peculiar condition
of things at Peking where I
cannot rent houses as in other
countries. I have no staff
such as Ministers have every-
where they are left needed
I am like a ship without
sailors. There is no Secretary-
Dr Williams is acting in a
double capacity but one In-
terpreter and no attaches.
To me personally it can
make little difference, for
I take no pride in these
things, and will do the best
I can with such means as
I may have; but really looking

to

to the present and future interests of the Country a change should take place.

I have been so fortunate, for the present, as to purchase a small house and lot - making myself thereby the first foreign proprietor of such property in Peking. The house I have built over new and furnished - the whole costing, with the strictest economy where labor is cheap, much the larger half of my first year's salary - the expense of getting out here exhausting the remainder. This house, that of the Chinese and the members of the foreign Legations believe, as I hope it may prove, a temporary expedient.

What I write of this Legation is true of the Consulate at Shanghai. The force there is inadequate and yet the work must be done. Be so kind as to compare from the

the paper I send Mr Sewards
face with that of Sir Harry
Parks, and you will need no
other evidence. Mr Seward is
exceedingly careful and most
energetic and I do most earn-
estly hope the Government will heed
these suggestions on his behalf.

I have the honor
to be
Your Obt. Servant
Anson Burlingame

A

Peking, September 15. 1862

Hon. A. Burlingame,

&c &c

Sir,

During the two months that the Legation has been in this city, I have learned enough to convince myself that it is [illegible] here, and take measures for its permanent location, like the Legations of the three other treaty Powers; and in compliance with your request I place before you the chief reasons for having such a conclusion. The details of the interviews which you have had with Prince Kung and the members of the Imperial Council who specially manage foreign affairs, need not be referred to further than to indicating, in their cordial expressions [illegible] the [illegible] the [illegible] of the Chinese Government to have the American minister reside here; and I believe that these expressions were as sincere as these officials, in their imperfect knowledge of all foreign relations, could make. It is the duty, and

and I hope the privilege too, of all who belong to the Legations here, who have influence and opportunity, to enlighten these high officers in every point likely to aid them to a better discharge of their duties.

One point connected with the establishment of this Legation at Peking is the desirableness of our Government possessing a house of its own, a building where the archives can be kept, and the business devolving on the minister performed. I suppose that such a proposition is not fortified by any precedent; but the circumstances attending the Legation to China are unlike those of any other country, and should be considered on their own merits. Our position in this city is different from that of the English and French ministers, who [illegible] the allied armies [illegible] after the exchange of ratifications, desired the Chinese authorities to select suitable places for their respective legations. At that moment, the officials could probably have obtained almost any buildings for this purpose: but beyond those appropriated to public

lic purposes, temples, and literary halls, few available spots were found. After some inquiry, two establishments near the Russian Legation were selected, consisting of several large edifices inclosed within a wall, most of them unoccupied and all of them in a dilapidated state, which had been originally built for junior members of the Emperor Kanghi's family more than 150 years ago, whose descendants had fallen into poverty, and been obliged to give up their original state and influence. Engineers were employed to alter and repair them at the expense of the English and French governments of more than forty thousand dollars each — little besides the walls, doorways and roofs then remaining of the original structures. Besides the apartments for the minister and his suite, there are rooms for a dozen students, a guard of soldiers, and for visitors. The Russians have from time to time spent about the same amount altogether as the English, but their legation has not so much accommodation.

These

These three legations are designedly located near each other, so as to afford mutual support and council in case of difficulty and danger; and the reasons which induced the two late-comers to select places near the Russians act with stronger force to lead the Americans to take up their quarters near the three. When this legation reached Peking two months ago, we had no knowledge of the intentions of the Chinese officials as to offering it a residence; whether they would carry out the stipulations of Art. V. of the Treaty, which only contemplated a visit to their capital, and merely set it to occupy a residence for a few months; or whether they expected it to take up a permanent residence and were ready to grant facilities to accomplish that end. Though notice of your coming had been sent to Prince Kung two weeks before arrival, nothing was made ready beforehand; but when the question was brought to the notice of the Foreign Office on arrival, the utmost readiness to assist us to a certain extent was exhibited. The same suite of buildings occupied by Mr Ward in 1859 was

first

first proposed; it is in rather worse condition than then, having been somewhat neglected and misused, and was objected to for its contracted accommodations. Another establishment was then pointed out as being at our service, larger and in better order, and fully adequate in respect of arrangement and space to satisfy all our requirements. There is therefore nothing to complain of; the Chinese have carried out the provision of the treaty and aided in locating the Legation as far as we could expect. To fit up either of these dwellings, and make them comfortable and healthy, would require an outlay of several thousand dollars, for like all native houses, the windows are of paper, the floors of tiles and the rooms without fireplaces.

In considering these spots as suitable for our purpose, their distance from the other legations is the first objection which suggests itself when we think of constant intercourse; for in Peking a separation of nearly three miles is nearly equivalent to non-intercourse after sunset. To visit

them

at any time will not be an easy matter, and in times of danger assistance could be obtained only with great delay if not difficulty. I am informed that when the location of the English Legation was under discussion, the northern parts of the city near these two houses, were regarded as the healthiest and most accessible, but those advantages were waived for the sake of being near to the Russians. Few people go out after dark, the city gates are shut at twilight, no lamps light the passenger along the forsaken streets, and riding is hazardous through the crowds. Social intercourse would be much restricted; and as the only foreign physician here resides near the English, medical assistance might sometimes arrive when it was too late.

More important than these domestic reasons is the defenselessness of our Legation. The others, being near each other, can concert plans of common defense in case of trouble; and it is in view of such an emergency that the Allies now maintain a force at Taku, and would bring up a detachment

detachment as soon as it was necessary. Our remote position would justify them in refusing to detach a portion to protect us, and if we removed temporarily to their quarters, all would be crowded and uncomfortable. The sources and chances of trouble in Peking itself are not many at present, and the popular feeling towards foreigners, as well as towards the rulers, is favorable; but in case of investment by rebels (not a remote contingency) foreigners must depend entirely on themselves to resist assault and violence. If such a condition of things should arise, or famishing multitudes throng us, our position at the other end of the city would be doubly hazardous; and as merchants are not allowed to settle in it, there is no prospect of a community gradually gathering there.

The Chinese authorities appreciated these considerations when they were adduced to explain why we declined these houses, and wished a place near the other embassies. In a few days they designated four spots, all of them within a long half-

mile

mile of the French Legation. Three of them, however, are little better than open lots of a few acres' area, for the buildings on them are mere sheds and storerooms for iron coin, and two or three dwelling-rooms for the overseer of the mints formerly worked within the inclosures, and are wholly unavailable in their present condition. All must be rebuilt under our guidance. The other place is a small dwelling-house, offered to us as an apology for a better in this part of the city; and, though it can accommodate only a part of the Legation, can be made comfortable with a small outlay.

This is all the authorities are at present inclined to do; it is quite as much as we could ask of them under the circumstances; it is more, perhaps, than we should have asked of another nation.

The reasons for establishing the United States' Legation at Peking had better be considered on their own merits in relation to our own position, than in reference to what the other Treaty Powers have done. Hitherto,

ers, the U. S. Minister, when in China itself, has always been domiciled in the houses of his countrymen - a course rendered almost imperative by the absence of proper public hotels at the open ports, the uncertainty of his stay, and the exigencies of the service requiring him to go from one port to another. The dwellings inhabited by foreigners at the ports are less in number than their requirements, and are not commonly rented; and thus a minister whose family was not with him (as has been usually the case) had no motive to open a house of his own, much less to build one. This state of things has been attended with many serious inconveniences. The archives and books of the Legation have either been left in the South of China, or the few volumes which were indispensible for the transaction of business, have been lugged about on ships and shore from one port to another in boxes, trunks and escritoires, greatly to their damage and risk. Most of this property has been kept in my own house at Canton or Macao since 1855, when the legation itself has been moved from

Canton

Canton to Peking, along a coast of nearly 2000 miles. if former ministers had had a locum tenens they would probably have remained longer in China, and become better acquainted with its institutions and position, and thereby the better able to conduct the affairs of their mission.

In all parts of Eastern Asia, foreigners build their own houses sooner or later, for native dwellings are constructed on vicious principles in respect of ventilation, warmth, and lighting; it is about the same expense to build anew as to rearrange their rooms. In China, the foreign settlements present a striking contrast to the native town, for the people nowhere imitate our domestic architecture, and few foreigners can safely live in their damp and exposed rooms for a long time. The preparation of ample and suitable quarters at Peking is an enterprise which is not likely to be undertaken by any minister; it would involve an outlay far beyond his salary, and with no certainty that his successor would take the establishment off his hands.

It surely is a matter for our government

to consider, in an empire where it has taken upon itself the responsibilities and duties of establishing a government over its own citizens, how far it will place the functionaries of that government in a well understood position, and support their authority in a manner compatible with its own dignity and efficiency. Heretofore the machinery of this inchoate government has been inadequate to carry it out — either to protect our citizens against the Chinese rulers or lawless insurgents; or, what is more needed just now, to restrain some of them in their unlawful and dangerous conduct towards the natives. I do not so much refer to the present withdrawal of our naval force from these waters in the exigencies of national affairs, as to the general fact that the protection and restraint of our citizens in these waters demands more action on our part than has ever been the case. The obligations of the last Treaty involve the consolidation of a stronger control, for which the Act of 1860 furnishes the basis; and we cannot as a nation, well

avoid

avoid the duties therein assumed. Our national character has already suffered by neglecting these duties, much to the chagrin of those who are jealous of its purity.

By settling the Legation at Peking, the minister puts himself in direct and personal relation with the high authorities of the empire; he can suggest, explain, remonstrate or refuse, according to the circumstances of the case, and without the unsatisfactory delay of writing, expediting every part of the public business far more than elsewhere. This point needs no further argument. The advantages now enjoyed for acting on the Chinese government (advantages which are due to the Allied Powers) are daily becoming more and more evident, and their influence must increase rather than diminish. The objects of the French in China differ from those of the English, and both more or less from those of the Russians; ours harmonize rather with the English in the protection and development of commerce; but all equally desire to see a strong and intelligent government established, if possible, and as far one can

now

now see are willing to cooperate to the promotion of that end. The efficient performance of his duties by our own minister at this capital would be much weakened by his living in the poor way he will for the present take up with; since the Chinese authorities would tardily attend to the demands of a functionary who exhibited in his own house all the indicia of comparative poverty and weakness. Mere show of itself is not necessary, tho' it goes for not a little, but the display of a certain extent of resources is desirable to impress upon the people and rulers that the United States is a nation able to take care of itself. The dispersion of the members of the Legation in five or three small dwellings entails inconveniences in the transaction of business which cannot be avoided; and as already hinted, times may come when marines and sailors may be necessary for their protection, and where can they be lodged? All these considerations occur to me to strengthen the argument for a single establishment large enough to contain all and serve these requirements.

I

I would respectfully suggest, that what is needed is a grant of $25.000 to build or purchase a suitable Legation, to be owned by the Government of the United States, and regarded by the Minister as his appropriate residence. No Chinese will ever fit up such a place in expectation of its being rented from him; the minister cannot do more than keep it in repair and furnish it while he occupies it. So far as I can see, there is no other means of attaining this object than for the Government to make the initial outlay; and that seems now to be all that is required.

Furthermore it will soon become indispensible for our Government to take measures to provide interpreters for the consulates; and the students can best learn the language and character of the Chinese in their metropolis. I cannot forbear here to refer to the harassing shifts our consuls are often put to for want of interpreters in their intercourse with the Chinese authorities. They cannot speak or write a word of the language themselves, and are obliged to ask favors at other consulates or of missionaries, or take up with the

interpretation

interpretation of a native whose proficiency in English is exhibited in such phraseology as, "You talkee my, my can so fashion talkee he." Three of the consulates have interpreters indeed, but if we are to have qualified scholars they must be educated for their functions; the present state of things is derogatory to our national character, and can be remedied only by the same means that other foreign nations adopt. There are fourteen students now in the three legations here, who will soon be qualified for consular assistants at the ports.

Let me also refer to the extent of our trade with China as a reason for placing the Legation on a suitable footing. Its amount is next to that of the English, and will probably increase more rapidly in proportion after the Pacific railroad is opened. Our commercial position in China is [illegible] discreditable that a nation carrying on a commerce amounting to many millions annually, should not place its public functionaries on a par with even a second class merchant at the ports. Hitherto, the minister has been accommodated in a makeshift manner among them, but the

location

location of his embassy at Peking will require some outlay to make it worthy of the country. Merchants being forbidden to settle here will get desire to visit the city; naval officers and travelers will also come, and all will naturally look to be received under their country's flag.

The present may be an inopportune moment to apply to Congress for such a grant, when our beloved country is involved in a life struggle that demands all her resources; but it cannot be improper to represent this to the Government, and show the desirableness — yea, the necessity — of doing something to place its officers in Peking on a better footing. The Chinese are aware of the struggle going on in our midst; and tho' they are too ignorant of [illegible] appreciate the reasons furnished thereby for delay in building on the lot. A year or [illegible] would not be an overlong period within which to carry out the plans here suggested.

I am, Sir, faithfully,

S. Wells Williams

Stations	Names
Kiu Kiang	P. J. Hughes - Vice Consul (abs
"	R. F. Forrest - {Senior Assi in charge of V
Hankow	W. R. Gingell - Consul
"	W. E. Kirby - Interpreter
"	J. A. Webster - Senior Assi
Shanghae	Sir A. S. Parkes - Consul (abs
"	W. H. Medhurst - (Consul for
"	J. Markham - Vice Cons

	Salary in Pounds Sterling	Value in American Dollars @ 10% in May '14 @ 4/-	Value in Chinese Mex $ @ 4/-
(absent on leave)	1100.0.0	3.66666	3.600 -
Assistant of Vice Consulate	400.0.0	1.955554	1.920 -
. . . .			
ete . . .	500.0.0	2.44444	2.400 -
Assistant . .	400.0.0	1.955554	1.920 -
(absent on leave)	1500.0.0	Y.33332	Y.200 -
for leave shown Actg Consul . . .	750.0.0	3.66666	3.600 -

Stations	Names
Tientsin	T. Morgan - Consul .
	T. Gibson - Acting Vice Consu
	R. K. Donglass Senior As
	T. B. Goddard - Junior -
Newchwang	T. T. Meadows - Consul
	A. Davenport - Senior As
Chin Kiang	T. Aston - Acting Vice C
	N.B. - This is a £900 a year C
Tang Chow	M. C. Morrison - (Consul for Tordon)
	H. G. Howlett - Senior Assist

	Salary in Pounds Sterling	Value in American Dollars @ 10%	Value in Mexican $ @ 4/2
. . . .	900.0.0	4.400 -	4.320 -
Consul at Lake.	500.0.0	2.444 44	2.400 -
Assistant .	400.0.0	1.955 54	1.920 -
—"— . .	300.0.0	1.466 66	1.440 -
oul . . .	1300.0.0	6.355 54	6.240 -
Assistant .	400.0.0	1.955 54	1.920 -
ice Consul in charg	750.0.0	3.666.66	3.600 -
ar Consulship -			
ers/Acting Consul	1300.0.0	6.355 54	6.240 -
ssistant	400.0.0	1.955 54	1.920 -

Other Consular

Stations	Names	
Peking	Wm C. Milne	Assistant Chinese in charge of Stude
	J. Allen -	Student-Interp
	J. Beattie -	" "
	J. Brown -	" "
	C. Gardner -	" "
	E. D. Jones -	" "
	J. Murray -	" "
	G. Thompson -	" "
	W. Stronach -	" "

...ar Corps.—

	Salary in Pounds Sterling	Value in American Dollars @ 10%	Value in Chinese Mex. $ @ 4/-
...inese Secretary	200.0.0	2.933.32	2.880 -
...Student-Interpreters	200.0.0	1.222.22	1.200 -
...Interpreter . .	200.0.0	9YY.YY	960 -
"	200.0.0	9YY.YY	960 -
"	200.0.0	9YY.YY	960 -
"	200.0.0	9YY.YY	960 -
"	200.0.0	9YY.YY	960 -
"	200.0.0	9YY.YY	960 -
"	200.0.0	9YY.YY	960 -
"	200.0.0	9YY.YY	960 -

B

List of H. B. M. Diplomatic and

The Diplomati

Stations	Names.
Peking	The Hon F. W. A. Bruce C.B Envoy Extra Y. Minister P and Chief Superintenden British Trade
	T. T. Wade Esquire C.B Secretary of Legation
	F. R. St John Esquire First paid Attaché
	G. G. Wyndham Esquire Second paid Attach

nd Consular Co[illegible] in China.

natic Corps

	Salaries Pounds Sterling	Value in Am[n] Dollars @ 10%	Value in China in Mex[n] $ @ 4/2
B.			
i Plen[y]			
ndent of			
	8000.00	39.111.10	
		7.000.00 estimated	
ion			
ele	5000.0	2.444444	2.400 -
taele . . .	[illegible]0	1.955.54	1.920 -

Stations	Names
Canton	P. F. Fraser - Junior Assis
Formosa	R. Swinhoe - Vice Consul (abs
	G. C. P. Braune - Senior Assis
Macao	A. Dixon - Acting Consul

	Salary in Pounds Sterling	Value in Am[n] Dollars @ 10%		Value in Chinese in Mex[n] $ @ 1/2
Assistant ~	300.0.0	1466	66	1440 -
" (absent on leave)	750.0.0	3666	66	3.600 -
Assistant in Charge	400.0.0	1.955	54	1.920 -
Boiler agent "	150.0.0	733	32	720 -

Stations	Names
Amoy	W. H. Pedder - Consul.
	G. Phillips - (Assistant for Chin
Swatow	G. N. Caine - Consul . .
	N. Gregory - Interpreter
	N. M. Cooper - Senior Assis
Canton	D. B. Robertson - Consul
	W. H. Fittock - Vice Cons
	W. F. Mauric - Vice Consul
	W. F. Meyers - Interpreter
	W. N. Payne - Senior Ass

	Salary in Pounds Sterling	Value in American Dollars @ 10%	Value in Chinese Money @ 9%
. . . .	900.0.0	4.400 -	4.320 -
Chinkiang) Acting Asst	400.0.0	1.955 54	1.920 -
. . . . .	800.0.0	3.911 10	3.840 -
ee	500.0.0	2.444 44	2.400 -
Assistant . .	400.0.0	1.955 54	1.920 -
l	1600.0.0	7.822 22	7.680 -
onsul . . .	750.0.0	3.666 66	3.600 -
nsul at Shanghai	750.0.0	3.666 66	3.600 -
ler	500.0.0	2.444 44	2.400 -
Assistant	400.0.0	1.955 54	1.920 -

Stations	Names.
Shanghae	G. Alabaster — Interpreter
	G. J. Jones — First Assistant
	W. H. Lay — (First Assistant for Ar
	J. J. Middleton — Junior Ass
Ningpo	F. Harvey — Consul.
	A. R. Hewlett — Senior Ass't & a
Foochow	G. A. Sinclair — (Consul for Chinkia
	G. Carroll — Assistant
	H. F. Holt — — " —

	Salary in Pounds Sterling	Value in American Dollars @ 10%	Value in Chinese Money @ 1/2
lee . . .	1000.0.0	3411 11	3.360 -
laut (absent on leave)	400.0.0	1.955 54	1.920 -
for Amoy) Acting 1st Asst			
Assistant	300.0.0	1.466 66	1.440 -
. . . .	800.0.0	3.911 10	3.840 -
t & acting Interpreter	500.0.0	2.444 44	2.400 -
in charge) Acting Consul	900.0.0	4.400 -	4.320 -
t ?	00.0.0	1.955 54	1920 -
?	0.0	1.466 66	1.440 -

26 Rec'd May

Mr Seward

Legation of the
United States
Peking Oct 25th 1862

Sir

I have the honor to
~~inform you that I have received~~
your kind despatch in reply to
No 12 of mine and that it is ex-
ceedingly gratifying to me.

Since I last wrote you Prince
Kung and suite have returned
my visit. The conversations were
full frank and friendly. I have
also entered into a tolerably ex-
tensive correspondence with his
Imperial Highness Prince Kung. as
the communications I send will in-
form you. The first question for dis-
cussion, directly with the Gov. - a-
rose on the receipt by the Prince
of my communication, marked A. -
requesting that instructions should
be sent to the Chinese authorities
at the treaty ports Hankow. Kiuki-
ang. Newchwang and Pienteiu. to recog-
nize the newly appointed Consuls. at

Hon William H Seward

Secretary of State those

those places. This they had, in a manner, refused to do, because those Consuls were men engaged in trade. In support of their position they cited a casual remark in a letter written by one of my predecessors, Mr Reed, to the effect that the United States did not appoint as Consuls any men thus engaged - a remark totally without the authority of precedent or law. Prince Kung in his reply, marked B. taking the extract from Mr Reed for law proceeds to make complaint that such men should be appointed. In my reply, marked C. I maintain our right to appoint them. I refer to the fact that the French and Russians have, in China, such Consuls and explain the meaning, as far as I can, of Mr Reeds language and ask the Prince if it is not better, where we have large trade, to have these men rather than

none

none at all. The result has been, that while, as yet, they do not admit in any despatch my position, they have in interviews, done so and have sent, or say they have, the proper instructions to their officers

I think, myself, that the policy of appointing men, engaged in trade not a good one. but it was necessary to have some one and I did the best I could and selected men of such excellent character as to preclude all idea of corruption. Still the business Houses not having Consuls, imagine that they are taken at a disadvantage and complain. I therefore earnestly recommend that at the Ports of Hankow Kiukiang and Tientsin the Consuls should be salaried. The next subject for communication, rather than discussion, is disclosed in the communication of Prince Kung, marked D. In which he states

that

that Shee has received a communication from the Governor of Kiangsi informing him that the rebels had raised 5.000.000 taels with which to purchase Steamers in the United States and begs, after thanking me for what I had already done in that direction - that I would write again to my Government warning it against the intentions of the rebels. Not receiving an immediate reply to that communication, as I was at Pientsin, where I had gone to meet my family - he addressed another communication to me, marked E - in which he reiterates his statement about Steamers and makes a grave charge against my countrymen for selling arms to the rebels and urges me to stop them. In my reply, marked F. I stated the origin of the rumor about the purchase of

Steamers

steamers - that I had heard it as early ~~as early~~ as Dec ember last, when I immediately communicated it to my Government, from which I had received a reply that it had no knowledge of any such transactions. I intimated that this was a revival of that rumor and stated that there could be no danger from the rebels on the sea because of the overwhelming force opposed to them there. As to the selling of arms - of which he justly complained - I told him that I had, ever since I had been in the Empire, done all I could to prevent such things. and that all of the officials of the United States had done the same thing and were still ready so to do. That he had brought no specific charges against my countrymen. I denounced the trade in

Contraband

Contraband articles and said that I was ready, and ever had been, to consult and co-operate with the officers of this Government and those of the treaty powers, to the end that this traffic might be prevented; that countrymen my equally with his own, were suffering from lawless men. I pointed out the dangerous practice, on the part of Chinese officials, of granting "permits" to land arms, by which this trade could be facilitated. I stated specifically in that communication, and orally, to be communicated, to Prince Kung, that these "permits" had prevented the seizure of arms. Mr Bruce, the British Minister, when he heard that I had made this suggestion, immediately supported it in the most positive language and said to the Yamens of communication in substance that "Standing together here we will

do

do our part and the Chinese Government [illegible] its duty"

The Chinese Government is sorely tried by rebels, lawless foreigners and corrupt local officials. But I hope for the best. There is one great man in the Gov. Wen-siang - who is master of the situation and who comprehends the grave condition of affairs and earnestly and incorruptably strives to maintain the integrity of the Gov. The representatives of the treaty powers, without exception, sympathize with the Government. If it can maintain itself for a few years the danger will be passed and order restored peacefully, without subjecting the whole Empire to one of those gigantic struggles through which nations sometimes pass when moving from a lower to a higher form of civilization.

I have the honor to be

Your Obedient Servant

Anson Burlingame.

A.

Legation of the United States,
Peking, August 29th 1862

The Undersigned (with titles) begs to inform your Imperial Highness that he appointed Mr William Breck, an American, to act as Consul for the United States at the port of Kiukiang, in January of the present year, and that he has entered upon the duties of his office at that place. In communicating this, the Undersigned as it behooves him, requests that orders may be transmitted to the proper local authorities of that port to receive the consul in a friendly manner, aid him in obtaining suitable dwellings, or in leasing ground for building them; and exert themselves to promote amicable relations, so that everything may proceed to the common advantage of all parties.

The Undersigned desires likewise to inform your Imperial Highness that in May of last year, the acting Commissioner of the United States, Commodore Stribling, appointed Mr. Charles

D.

D. Williams to act as American consul at the port of Hankau, and that he has also entered on the duties of his office; it is proper to request that the local authorities there may be instructed to receive him in that capacity, and extend to him all the facilities in fulfilling its duties that the treaty requires.

Anson Burlingame.

To His Imperial Highness Prince Kung, Secretary in chief for foreign affairs.

Prince Kung. Secretary in Chief
for Foreign affairs. Herewith sends
a reply.

"I have received your
Excellency's Despatch of the 29th ulto
in which you state "that you have
"appointed William Brooks to perform
"the functions of Consul of the United
"States at the port of Kiukiang and
"that Charles D. Williams has gone to
"the port of Hankow to act as United States
"Consul, requesting that orders be
"transmitted to the local officers at those
"ports to receive both these officials and
"facilitate them in the execution of their
"duties as far as the treaty requires &c. &c."

I see on referring to a despatch
of Mr. Reed the late U.S. Minister, dated
November 10. 1858, sent to the high Ministers
Kweiliang and others, then Imperial
Commissioners, that he says "As to
"Consuls being engaged in trade, the law
"of his country does is that no one shall
"be consul who is engaged in trade." Yet
the Consuls of the United States at
Kiukiang

Kinkiang, Mr. Breck the acting Consul at Hankaw, Mr. Williams, and also Mr. F. B. Forbes, the acting Consul at Tientsin, who have all been appointed by U. S. Ministers, are each and all persons who cannot by this law be engaged in trade.

Further I have lately received a despatch from the general in charge at Shinghing that the acting U. S. Consul Mr. Knight at Hiu-chwang has opened a house of business called the Jungchin Long, and this also is in contravention of the despatch of Mr. Reed.

I have, therefore, in communicating these points to your Excellency, to request that you will examine them, and inform me whether or no such instructions can be sent to these Consuls that they need no longer engage in trade.

September 3. 1862.

To His Excellency A. Burlingame
U. S. Minister to China.

C.

Legation of the United States
Peking October 24. 1862.

The Undersigned, Envoy Extraordinary &c. &c. has the honor to acknowledge the receipt of your Imperial Highness' communication of the 21st inst. in which you refer to the fact that the Acting American Consul at Kiu-Chwang, Mr. Knight has established a commercial house, and that this proceeding is contrary to the stipulations of the treaties with foreign powers. The Undersigned has examined in relation to this point, and can find no stipulation in the treaties forbidding a man who is engaged in trade to perform consular functions; and [beg to add] that both the French and Russian nations have also consuls, who are likewise merchants. In respect to the reply of the late U. S. Minister, Mr. Reed, upon this point, it may be observed that it referred

to

to the consuls of the United States there at the five ports, to which places the government had designated officers with salaries; but it has not yet done so with regard to the newly opened ports, as Hankow. Tientsin. Kiuchwang &c. If persons who are suitable for such posts are not temporarily appointed to do their duties at ports like these, where American ships come in great numbers, then to whom shall consular functions be intrusted? Is it not much better to have some one in the office than to let it remain vacant? Such as course cannot be considered to be against propriety. (and these remarks) will also serve for a reply to the despatch of your Highness of the 3d of September. Both that communication and the one under reply shall be forwarded to the United States, and when the government sends officers to fill these consulates, notice of the same shall be given.

With respect to the conduct of Mr. Knight in becoming surety for Tang

Sing

Sing-kiu, who owed money to Le Hwán man
the Undersigned has no information, but
will make enquiry into the circumstances
and then communicate on the matter. He
need here only state that he will allow
nothing to be done which is improper,
nor permit anyone to screen a person
in wrong doing for his own private ends.

Anson Burlingame

To His Imperial Highness Prince Kung
Principal Secretary of State for Foreign Affairs
&c. &c. &c.

Prince Kung. principal Secretary of State for foreign affairs, herewith sends a communication.

On the 13th of last April, the governor of the province of Kiangsii informed me as follows:—

"I have heard it rumored that the Tai. "ping rebels have employed certain un. "principled merchants to go to the United "States and privately buy steamers, arms and "cannon; and have advanced 500,000 taels for "this purpose. When W. Burlingame, the "American minister reached Shanghai, I "laid the proofs of this report before him. "He replied that he had also heard it, and "had already written to his government "to the end that investigation might be "made and the proceedings stopped. His sen. "timents were most cordial and earnest. "General Ward of the Invincibles had like. "wise requested him to write as soon as pos. "sible to prevent the scheme."

From this dispatch I have learned that as soon as your Excellency heard that the Taiping rebels had engaged un.

scrupulous

scrupulous traders to go the United States to purchase vessels and cannon, you instantly wrote to have the thing stopped. Sieh, the commissioner of the ports, had also learned the same facts at a subsequent interview.

I shall also myself be obliged if you will again write, since I have such full evidence of your friendly wishes towards this country. The rebels are full of schemes, and the traders stick at nothing for gain, so that I am afraid, our precautions being inadequate, lest they elude our vigilance and we suffer through their craftiness.

I make this communication, therefore, that your Excellency may again request a precautionary search to be made [in the United States], and the purchase of these articles by the rebels prevented.

September 20th. 1862. (Tungchi, 1st year, 8th day moon, 27th day.)

To His Excellency Anson Burlingame,
Envoy Extraordinary and Minister
Plenipotentiary U. S. A. to China.

Note.— The term rendered above "Taiping rebels" is "hairy insurgents" in the original.

Prince Kung, chief Secretary of State for foreign affairs, herewith sends a communication.

The governor of Kiangsii having reported to me that he had heard it rumored that the [Taiping] rebels had employed crafty traders to go privately to the United States to buy vessels and cannon, for which purpose they had deposited the sum of five hundred thousand taels, I immediately made it known to your Excellency, to the end that you might write to your county, and have the matter inquired into in time. The purport of that dispatch was limited to informing you of the conduct of the rebels in sending in this underhand way to the United States to buy articles.

More recent information from ports along the seacoasts and rivers confirm the previous accounts that traders belonging to the United States have been carrying arms and cannon through the country to sell to the rebels, and rendering them assistance, all with the object of getting gain; and thus it has come to pass, that General Ward, who recently lost his life in the engagement near Ningpo, was,

as

as it is rumored, wounded by a shot from a foreign gun. It can but be inferred that if there were no merchants to surreptitiously sell these weapons, how could the rebels otherwise obtain them and kill our men? Furthermore, I am told that foreigners armed with similar ones aid them in destroying and resisting our officers and troops.

The United States has been long at peace with China, and friendly relations are daily becoming more sincere; but when one learns that General Ward, an American, sacrificed his life in defending the cause of China, while men of the same race readily aid the rebels and do all they can to prevent the continuance of peaceful relations, it is difficult to understand the reasons. Though it is impossible to tell certainly of what nation these men are, still such a state of things must implicate the reputation of your country; and I accordingly inform your Excellency in the hope that you will presently dispatch orders to the [American] consuls at the ports, requiring them to take strict measures to prevent their countrymen

from

from secretly selling arms to the rebels or aiding them in any manner. The conduct of these contrabandista in the first-mentioned instance was sufficiently important for our taking instant measures to stop their proceedings; but their criminality in this case is still more heinous, and no trifling with the matter should be allowed [by the consuls], lest the position of the United States be compromised, and the integrity of China be destroyed. [If, however, my suggestions be followed,] both our interests will be preserved.

I have already issued the most positive orders to all the local authorities along the coasts and in those regions, urging them to increase their vigilance, and requiring them to seize any one, whether foreigner or native, who may be found smuggling arms, and punish them to the full extent of the laws without the least delay. I trust that you will also be so good as to look into this matter, and favor me with a reply; for the purpose of this communication is to inform you of all these particulars, and that such orders have

been

been forwarded to the provinces.

To His Excellency Anson Burlingame,
U. S. Minister, &c &c

(5

October, 12th 1862. (Tungchi, first year, intercalary 8th moon, 18th day.)

The undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States to China, has the honor to acknowledge the receipt of two communications from Prince Kung, Principal Secretary of State for foreign affairs - one dated Sept. 20th and the other Oct. 12th - calling attention to a supposed violation of treaty on the part of his countrymen by trading in steamers and arms contrary to law.

To these communications the undersigned has the honor to reply, that as early as December last he learned through Chief Justice Adams, of Hong Kong that the Revd Mr. Roberts, then in the Rebel service, had informed him of an intention on the part of the rebels to purchase steamers in the United States, and that they had raised the sum of Money your Highness mentions for that purpose. He immediately addressed a communication to his

Government

Government stating what he had heard.
To that Communication he received a
reply informing him that after careful
enquiry, the Government could not learn of
any transactions of the kind. He
subsequently met Mr. Roberts, after he had
declared against the Rebels, and enquired
concerning the report. Mr. Roberts informed
him that the Rebels intended to have
purchased steamers, but that having no
money. they had abandoned the idea of
doing so. He is inclined to believe, unless
your Highness has certain knowledge to the
contrary - that the present report is but
a re-iteration of the Roberts story. The
Rebels could not hope to do any thing with
steamers, for the Imperial Forces, with the
War vessels of the Treaty powers would
not permit them to float for one day in
safety. He will however, call the attention
of his Government once more to the subject,
and do all he can to prevent the citizens
of his country from violating in any way
the Treaty.

With

With regard to the selling of arms to the Rebels and other contraband articles - of which your Highness justly complains, he has to say that ever since he has been in the Empire, he has, by word and by deed, made every possible effort to prevent his countrymen from doing these things. At Tientsin and Shanghae his country's consuls, with his sanction and under his direction, aided in seizing arms, and will do so again. He is ready, and so are all the officers of the United States - on land and sea - to consult and co-operate with the officers of the Emperor and the treaty powers, to the end that trade in contraband articles may be prevented. His honest countrymen, equally with those of your Highness, are suffering from the lawless conduct of a few villains who are lending themselves to murder for gain. Your Highness does not call the attention of the undersigned to any specific violation of the treaty by his countrymen. He is not aware that there is any certain evidence that the brave General Ward was shot by any foreigner.

Much

much less by one of his own countrymen.
The undersigned would call your Highness'
attention to what he deems the dangerous
practice, on the part of Chinese officials, of
granting "permits" to parties to lands arms, to
be held in Port, until they may be purchased
by the Chinese Government. When so placed, it
is almost impossible to prevent a portion
of them from being diverted from their
legitimate use. The undersigned has reason
to believe that where his country's officials have
sought to seize arms as contraband they
have thus been protected.

The undersigned renews to your
Highness assurances of his high
consideration.

October 25. 1862. Anson Burlingame.

To His Imperial Highness Prince Kung.

No 27. Read H. Feb
Abstract Published

Legation of the United States.

Peking October 27. 1862.

Sir,

It is my painful duty to inform you of the death of General Ward, an American who had risen by his capacity and courage to the highest rank in the Chinese service. He was shot and mortally wounded while reconnoitering. before its capture, Tsz-ki, a place near Ning-po. The incidents attending his wound and death please find in the edict of the Emperor marked A.

General Ward was originally from Salem, Massachusetts, where he has relatives yet

Hon Wm H. Seward
Secretary of State
Washington

yet living, and had seen services in Mexico, the Crimea, and, he was sorry to say, with the notorious Walker.

He fought at the head of a Chinese force, called into existence and trained by himself, countless battles, and always with success.

Indeed he taught the Chinese their strength, and laid the foundations of the only force with which their Government could hope to defeat the rebellion.

Before General Ward died, whilst on board of H.M.S. "Hardy" he made his will, and named Admiral Sir James Hope and myself his executors.

In a letter communicating the fact to me, Sir James writes - "I am sure you will be much grieved to hear of poor Ward's

"Ward's death.

"The Chinese Government have
"lost a very able and gallant servant,
"who had rendered them much
"faithful service, and whom it will
"not be easy for them to replace."

On account of my absence
from Shanghae, I shall authorize our
Consul, George F. Seward Esq. to act for
me.

General Ward was a man of
great wealth, and in a letter to me, the
last probably he ever wrote, he proposed
through me to contribute ten thousand taels
to the Government of the United States, to
aid in maintaining the Union; but before I
could respond to his patriotic letter, he
died.

Let

Let his wish, though unexecuted, find worthy record in the archives of his native land, to show that neither self exile, nor foreign services, nor the incidents of a stormy life could extinguish from the breast of this wandering child of the Republic the fire of a truly loyal heart.

After Ward's death, fearing that his force might dissolve and be lost to the cause of order, I hastened by express to inform the Chinese Government of my desire that an American might be selected to fill his place, and was so fortunate, against considerable opposition, as to secure the appointment of Colonel Burgevine, Ward's second in command, and an American.

He

He had taken part in all the conflicts with Ward. and common fame spoke well of him.

Mr. Bruce, the British Minister, as far as I know, did not antagonize me, and the gallant Sir James Hope favored the selection of Burgevine.

Others did not.

I felt that it was no more than fair that an American should command the foreign trained Chinese on land, as the English through Osborn would command the same quality of forces on the sea. Do not understand by the above, that in this, or in any case. I have pushed the American interests to the extent of angry disagreement. On the contrary, by the avowal of an open and a friendly

policy

policy and proceeding on the declaration that the interests of the Western nations are identical. I have been met by the representatives of the other Treaty Powers in a corresponding spirit, and we are now working together in a sincere effort to strengthen the causes of civilization in the East.

I have the honor to be

Your obedient servant

Anson Burlingame.

A.

An Imperial edict. Li Hung-chang (the Governor of Kiang-su.) has memorialised Us that "the general "attacked and recaptured Tzé'ki, but "was killed by a ball in the engagement," and requests that a memorial chapel may be erected (to his memory) to exhibit the regard for him. This General Ward was from a part of the United States, and had expressed his desire to become a Chinese subject. He co-operated with our army at Shanghai joined in the attacks on Kia-ting and Tai-tsang, and recovered the city of Sung-kiang, as well as routing the rebels at Ying-ki-pang and Tien-ma-shan in that prefecture. In connection with a body of foreign officers and troops he destroyed Kau Kiau and other places. For these conquests over the insurgents, the government has acknowledged and rewarded him several times, showing its favor, and thus giving him full scope to be employed.

From

From the Governor's
memorial it appears that the
insurgents were reconnoitering Ning-po
and had repossessed Tsz-ki, which;
When General Ward heard, he immediately
drew out his corps of Invincibles,
attacked the rebels at their heads, and
was mounting the walls, when a ball
from the rampart hit him in the
breast and passed through his back.
It grew dark to him instantly and he
fell, but his brave troops had retaken
the place already: he returned to Ningpo
where he died the next day.

Our grief on reading this
memorial is extreme, for we had just
confidence in his patriotism and
bravery, and never had cause to be
ashamed of his military acts. The
Governor has already ordered Wan Hiun
to attend to the proper rites of sepulture,
and We now command special
memorial chapels to be erected to
him in Sungkiang and Ningpo. Let
the proper board also consult upon
the

the best mode of showing our
regard. in order to tranquillize his
loyal spirit and exhibit our
distinguished kindness.

This from the Emperor.

No. 28. Rec'd H. Feb. McDermid

Copy sent to Navy Dept. 4th Feb. 1863

Legation of the United States

Peking October 27. 1862.

Sir,

I have the pleasure to inform you that the Chinese Government has adopted a national flag. It is a dragon-flag to be triangular in shape, and ten feet broad for the largest vessels, or between seven and eight feet for smaller craft. The length is immaterial. The ground color is yellow, and a dragon is painted on it, the head pointing upwards. The reasons for adopting it are clearly set forth in the communication which I send from Prince Kung marked A.

I have the

Hon. Wm H. Seward.
Secretary of State.
Washington.

Hitherto there have been individual and local flags, but until now no national flag. Surely the words "immoveable civilization of China" have lost their significance. By this act the Imperial Government casting down the last shred of its exclusiveness, confronts us with a symbol of its power, and demands a place among the nations. Permit me to suggest that it might be well to bring the communication of Prince Kung to the attention of our naval officers and Captains of our Commercials Marines as soon as possible.

I have the honor to be,

Your obedient servant

Anson Burlingame.

A

Prince Kung, principal Secretary of State for foreign Affairs, herewith makes a communication.

The foreign ships of all nations have the usage of hoisting flags, each to designate their own country, so that when seen they can be easily recognized, and known to be national vessels. If any ship alters its flag, the offender so doing is regarded as a criminal. The governmental vessels in China have also had their flags to distinguish them; but a new regulation has now been made proposing a dragon-flag, to be triangular in shape, and ten feet broad for the largest vessels, or between seven and eight feet for smaller craft; the length on the slanting or the lower sides is immaterial. The ground color is yellow, and a dragon is painted on it, the head pointing upwards. Made in this shape, it is thought that it can be instantly recognized. His Majesty has been memorialized on the subject, and orders have been already transmitted to the naval officers in the provinces directing them to act accordingly.

accordingly.

It is on this account that I send this dispatch to your Excellency, in the hope that you will inform the American naval officers and [the captains of] all other American vessels, that hereafter when they come across a yellow flag of this description they will recognize it as the flag of Chinese government vessels, and treat it as they treat the flags of all other powers, and offer it no impertinence.

If any person changes this flag or insults it, he should be punished as a criminal; and no matter what may have been the original cause of offense or the merits of the dispute, this crime of disrespect or misusing the flag should first be tried according to law, and afterwards the other counts of the indictment be taken up. I earnestly desire that your Excellency will give very strict orders to whoever it may be necessary to instruct in reference to this matter.

To His Excellency A. Burlingame
U. S. Minister Plenipotentiary, &c

October 22d 1862. (Tungchi, 1st year, int 8th moon, 29th day)

Adsd 2 March
Acknd
Repd

Recd 28 Feb. McLeod

Hongkong. December 9th 1862

Sir.

I have the honor to inclose copy of a letter written by me to the Postmaster-general of this colony and of his reply, respecting the postage on letters to the United States via England, with a view of bringing the subject to the notice of the Postmaster General. I beg to refer to these letters preliminary to my own remarks.

The complaints made by many of our fellow-citizens in China that extra postage is charged on their letters in the United States, are so numerous that Mr. Burlingame desired me to see the postmaster at Hongkong, and explain the subject to him. Single letters received from the United States via England pay 45 cents there, and are delivered by the Hongkong Postoffice and its branches along the coast of China without further charge. For single ½ oz. letters posted here or at the consular ports, the fee is 1/6d or 45 cents via Southampton, and 2/2d. or 52 cents via Marseilles, on each of which there should not be, I suppose, more than five cents levied in the United States. It may be that there

are

To Hon. William H. Seward

Secretary of State for the United States.

Washington

are regulations respecting forwarding letters by Cunard's vessels or by other Atlantic steamers, which are not known in China or not observed, but I have not seen any such published here.

The Hongkong postoffice is about to issue stamps with which to pay postage, and they may remove the difficulty, for their presence on an envelop is a well understood evidence that the postage has been paid. The want of envelopes returned from the United States on which extra postage was charged prevents me from bringing such definite proof as the Postmaster General might desire; but this statement may be sufficient to indicate the grievance; and if the suggestion of Mr. Mitchell about the increase of postage be a good one, there would apparently be no further difficulty to be apprehended if it was adopted.

I have the honor to be

Sir,

Your most obedient Servant

S. Wells Williams

Copy.

Hongkong, December 3d 1862

Sir,

It has been ascertained that, in a large proportion of instances, the postage paid on letters mailed in Hongkong for the United States, does not protect them from additional charges in the United States, as the persons who mail them expect it will; and I have been instructed by His Excellency Mr Burlingame, the U. S. Minister to China, to bring the matter before you, in order, if possible, to ascertain where the difficulty lies, and represent the circumstances to the Postmaster General at Washington. I have no data to show you as to where or on how many letters an additional charge is levied before delivery in America; but as that charge is generally demanded for insufficient ocean postage, and not merely for inland postage, it would seem that some arrangement might be made between the English and American postoffice departments

F. W. Mitchell Esq
Postmaster General
Hongkong

ments, by which the compulsory prepayment of postage in China should more certainly effect the object in view of securing the transmission of the letter to its address than is at present the case. Neither of these departments, it seems to me, can possibly desire to levy again on letters which are posted in accordance with the directions issued from this postoffice; and I therefore conclude that the complaints made by persons in the United States arise from some misapprehension on the part of local postmasters there of the system abroad — the more so, as the postage paid in America suffices to carry the letters through free to China

I am sure that you will readily cooperate in placing this matter on a better understood footing, and shall be much obliged for any information or suggestions which you can make, and I will forward them to the Postoffice Department at Washington

I am, Sir,

Your Obedient Servant,

(Signed) S. Wells Williams

Secretary U. S. Legation to China

Copy.

General Post-office, Hongkong
4th December, 1862

Sir,

I have the honor to acknowledge the receipt of your letter of yesterday, informing me, by direction of His Excellency W. Burlingame, that in a large number of instances, prepaid letters posted in Hongkong for the United States are subjected to an additional charge for insufficient ocean postage on delivery there; and requesting my co-operation in making such arrangements as may admit of the whole amount of postage (British and United States) being paid here, and also suggesting that the whole matter may be placed on a better understood footing; - and in reply, I would observe, as I stated at the interview with which you honored me yesterday, that I am wholly at loss to understand how any other charge than the uniform five cents postage

S. Wells Williams Esq^re
Secretary U.S. Legation to China
Hongkong

postage of the United States can be demanded upon the delivery in America of letters upon which prepayment has been received here; and as you are at this moment unable to bring forward the covers of any letters upon which a charge for insufficient ocean postage has been made, it will be obvious to you that in their absence I am unable to investigate the matter, or give you any satisfactory explanation of where the irregularity exists.

As, however, you appear to think it desirable that both the British and United States postage should be collected here, so that letters from Hongkong or China may be delivered without any charge at all being made from the persons to whom they are addressed in the United States, I can only say, that so far as this Department is concerned, there is no objection to this being done in the case of ordinary letters, as it is in fact with Registered letters; and that I will bring the subject before his Lordship the Postmaster General in London with a view to your wishes being met, if there are no objections on the part of the American Postoffice. I have, &c

(Signed) F. W. Mitchell

Postmaster General

No 29
Rec'd Mar
Mr Dennis
Approve
Application for Regulations

Legation of the
United States

Peking Dec 12th 1862

Sir

I have the honor to send you Regulations for trade on the River Yang tze. By treaty the Chinese Gov. has the exclusive right to make rules for the trade of that river. By treaty we had no right to go to any Port but Chinkiang until the rebellion was put down, but by an arrangement made with Mr Bruce the British Minister after the exchange of treaties, Hankow and Kiukiang were provisionally opened for trade under certain regulations now in force. These regulations proving unsatisfactory to the local authorities along the river certain other regulations were brought forward, and by the agent of the Chinese Government, Mr Robert Hart, at present Chief Superintendant of Customs.

Hon William H. Seward
Secretary of State

Customs. submitted to Mr Bruce and myself as the chief representatives of the trading nations on the great river.

After many consultations and changes, the regulations, I send, were agreed upon, not because they were all we wished but because they were all we could get. We warmly urged upon the Government the propriety of opening three more Ports, at least, on the Yang tsze, to Steamers. The Government have finally assented, subject to the decision of one or two local authorities. Mr Hart took letters and instructions to that effect and we have learned of his probable success. This will be a great step in advance. I am in favor of opening the whole river as soon as possible but if we persuade this Government, as possibly we might, to autumn the local prejudices of the mighty nations along the Yang tsze. we might aid the rebellion to such an extent as

to

to lose all. We must look to the consequences of our action on the the Chinese, as much as the Chinese Government itself. There is a strong anti foreign party, looking for some large concession to foreigners, as an opportunity for overthrowing the present Government which is friendly to progress and in needs all of our moral support.

I send a communication from Prince Kung marked A giving the reasons for adopting the regulations together with a form of Notification - marked B - which was sent to George F. Seward Esq Consul at Shanghai

I have the honor to be
Your Obedient Servant
Anson Burlingame

A

Prince Kung Chief Secretary for foreign affairs makes a communication.

In the 10th Art. of the treaty with the English it is stipulated that British vessels, although having authority to trade upon the no Port with the exception of Chinkiang Yang tsze, shall nevertheless be ~~ejected~~ at once to trade, owing to the disturbed condition of the upper and lower valley of the river. Sometime after the exchange of the treaties, however I agreed with the British Minister to open, provisionally the ports of Kiukiang and Hankow and settled upon certain regulations with reference to them. Now the Governors exercising jurisdiction over the Provinces on the Yang tsze, have memorialized upon the inconvenience arising from the provisions that the customs shall be paid in Shanghai and propose therefore that Custom Houses should be established

His Excellency
Anson Burlingame
Envoy &c &c.

established at Niukwang and Hankow. and settled upon certain regulations with reference to the Likin Thinking this to be a desirable measure I proposed to the British Minister that the seven regulations herewith enclosed might come in to operation on the _____

He has replied that he consented to the proposition and also that he would notify the Consuls of the new measures. Having made a communication to the English French & Russians, I communicate this to your Excellency, together with a copy of the above mentioned regulations, hoping that you would consider and give your assent to the same and notify accordingly the Consuls under your jurisdiction

Nov. 13th to 1862.

B

Copy of form of Notification communicated to Geo. F. Seward Esqr Consul at Shanghai.

I am directed by Anson Burlingame Esqr &c. &c. of the United States to China, to give notice that the following Revised Regulations, opening Custom Houses at Nankin and Kiukiang, and under which trade is to be carried on, have been communicated to him by the Chinese Government and that they will come into operation on the 1st of January next, at which time they will supersede the provisional Regulations of the fifth Dec. 1861.

By order

Signed George F. Seward

U. S. Consul

Shanghai

Enc

Revised Regulations of Trade on the Yang-tsze-Kiang.

Article I. United States Vessels are authorized to trade on the Yang-tsze-Kiang, at three ports only: viz, Chin-kiang, Kiu-kiang and Hankow. Shipment or discharge of cargo at any other point on the River is prohibited, and violation of the prohibition renders Ship and cargo liable to confiscation.

Native Produce, when exported from any of these three Ports, or Foreign Imports not covered by Exemption Certificate, or Native Produce that has not paid Coast Trade Duty, shall, when imported into any of these three Ports, pay Duty as at the Treaty Ports.

Art. II. United States Merchant Vessels trading on the River are to be divided into two classes, viz:

1st Class.

1st Class: Sea going vessels, that is Merchantmen trading for the voyage up the River above Chinkiang, Lorchas and sailing vessels generally.

2nd Class: Steamers running regularly between Shanghai and the River Ports.

These two classes of vessels will be dealt with according to Treaty, or the Rules affecting the River Ports to which they may be trading.

All Vessels, to whichever of the two classes they may belong, if about to proceed up the River, must first report to the Customs the arms or other munitions of war they may have on board, and the numbers and quantities of these will be entered by the Customs on the Vessel's River Pass. Permission to trade on the River will be withdrawn from any vessel detected carrying arms or munitions of war in excess of those reported to the

Customs

Customs, and any vessel, detected trading in arms or munitions of war will be liable to confiscation.

Any vessel falling in with a Revenue Cruiser of the Chinese Government will, if examination of them be required, produce her papers for inspection.

Art. III. Sea going Vessels. United States Merchantmen, Lorchas and sailing Vessels generally, if trading at Chin-kiang, will pay their Duties and Tonnage dues at Chin-kiang.

If a Vessel of this class is proceeding further than Chin-kiang, that is, either to Kiu-kiang or to Han-kow, her Master must deposit her papers with the Consul at Chin-kiang, and must hand in her manifest to be examined by the Chin-kiang Customs: the Superintendent of which, on receipt of an official application from the Consul, will issue a

Certificate

Certificate, to be called the
Chin-kiang Pass, to the Vessel.
The Chin-kiang Pass will have
entered upon it, the number and
quantities of arms, muskets, guns,
swords, powder &c. on board the
Vessel; also the number of her
crew, her tonnage, and the flag
she sails under.

The Customs will be at liberty
to seal her hatches, and to put
a Customs' Employé on board her.
On her arrival at Kiu-kiang,
whether going up or coming down,
her Master must present her Pass
to the Customs, for inspection.

The duties on cargo landed or shipped
at Kiu-kiang or Han-kow must all
be paid in the manner prescribed
by the Regulations of whichever of
the two Ports she may be trading at,
and on her returns to Chin-kiang, she
must surrender her Chin-kiang Pass
to the Customs at Chin-kiang, and
the Customs having ascertained that
her duties and dues have been fully

paid

paid., and that every other condition is satisfied, the Grand Chop will be issued to the Vessel, to enable her to obtain her papers and proceed to sea.

The Customs will be at liberty to put an Employé on board the Vessel, to accompany her as far as Lang-shan.

Any United States Vessel of this class found above Chin-kiang, without a Chin-kiang Pass, will be confiscated. Any Junk, without Chinese papers will similarly be confiscated.

Art. IV. River Steamers.

Any United States Steamer trading regularly on the River, will deposit her papers at the United States Consulate at Shanghai, and the Customs, on application of the United States Consul, will issue a special River Pass (or Steamer's Pass) that shall be valid for the term of six months. Steamers trading on the River under this Pass, will be

enabled.

enabled to load and discharge, and will pay duties according to the Rule affecting River Steamers.

On arriving off Chin-kiang or Kiu-kiang, the Steamer, whether proceeding up the River or down, will exhibit her Pass to the Customs.

The Tonnage dues leviable on any Steamer holding a River Pass shall be paid alternately at Chin-kiang, Kiu-kiang and Han-kow.

The Customs are at liberty to put a Tidewaiter on board a Steamer, at any of these Ports to accompany her up or down stream, as the case may be.

Infringement of River Port Regulations will be punished by infliction of the penalties in force at the Ports open by Treaty; for a second Offence, the Steamer's River Pass will also be cancelled, and she will be refused permission to trade thenceforward above Chin-kiang.

Any

Any Steamer not provided with a River Pass, if her Master propose proceeding above Chin-kiang, will come under the Rule affecting — Sea-going Vessels laid down in Art. III, and will be treated accordingly.

Art V. River Steamers' Cargoes.

1st Where Native Produce is shipped at a River Port on board a Steamer provided with a River Pass, the Shipper must pay both Export and Coast Trade Duty, before he ships it. If it be for Export to a Foreign Port, this should be stated when the produce arrives at Shanghai, and if it be exported from Shanghai, within the Three Months allowed, the Shipper will obtain from the Shanghai Customs a certificate of its re-exportation: on production of which, at the River Port of Shipment, whether Chin-kiang, Kiu-kiang or Han-kow, the Customs of that Port will issue a Drawback for the amount of Coast Trade Duty paid.

2nd

2nd Where Import Cargo is transhipped on board a River Steamer at Shanghai, it must first be cleared of all Duties. The transhipment will not be authorized until the Customs are satisfied that the Import Duties have been paid.

Art. VI. Native craft owned or chartered by United States Merchants, will pay duty on their cargo at the rates leviable on such cargo, under the Treaty Tariff. All such craft will further have to be secured by Bond, in the manner laid down in the Provisional Rules published on the 5th December 1861, and, on entry into any Port, will pay Port Dues, according to Chinese Tariff. If the cargoes of native craft so employed, do not agree with their Cargo Certificate, the amount specified in their Bonds, will be forfeited to the Chinese Government. This provision is only

valid

valid until tranquillity is restored along the River.

Art VII. United States Vessels of all classes, as well as Junks, owned or chartered by United States Merchants must apply to the Customs at the Port of Departure for a Cargo Certificate (tsung-tau), which on the Vessel or Junk's arrival at the Port of Destination, must be handed in to the Customs, before permission to discharge can be given.

The above Regulations are Provisional, and open to revision, if necessary.

Ackd
Feb 5
'63

Rec'd also Mr Dennick

Legation of the
United States
Peking Dec. 10th 1862

Sir

I have the honor to inform you that I have just received from our Consul Mr Myers at Ningpo the following case for diplomatic action. The papers are so voluminous, that I beg only to state their substance with my action thus far.

Capt. Reing of the American Bargue "Agnes" paid duties and received a permit to discharge cargo at Ningpo. While discharging (while discharging) cargo he got into a dispute with a tide waiter by the name of Smith about the time [Sun set] when he should cease, and threatened with many curses, as the latter alleges, to throw him overboard. The Capt. denies this, but two witnesses are Hon William H. Seward named Secretary of State.

named by the Superintendent of Customs to prove it. On this statement of facts the Superintendent of Customs addressed a letter to Captain King, in which he stated that the goods landed after sunset, should be seized and a prohibition put upon the vessel, from landing any more cargo, until he should apologize and pay a fine of three hundred taels. In this position of affairs the Superintendent was sustained by the Taotai. Mr Mungum considered this as an infringement of his jurisdiction, and after failing to get any satisfaction addressed me the following despatch together with all the papers in the case.

U. S. Consulate
Ningpo Nov. 2d 1862

To His Excellency

Hsien Pinqing

&c. &c. &c.

Sir

I have the honor

herewith

herewith to transmit to you copies of Communications that have passed between H. E. the Tonatui of Ariyoshi and myself, in regard to the American Barque "Agnes" owned and Commanded by T. H. King and now lying at this Port. The communications explain the respective positions of H. E. the Tonatui and myself. I maintain that the Native authorities have no right to withhold a right from an American citizen or to punish them under any circumstances — except in the case of Contraband goods — but for any alleged improper Conduct they can be judged and punished solely by their Consul. The Custom House authorities, on the other hand, maintain that they have the right in this instance to prohibit the landing of Cargo until their demands are complied with — that the Capt. shall pay three hundred Taels, and render an apology to the Commissioner of Customs. In addition to these

Communications

communication I have had two personal interviews with H. E. the Fountain, in which I strongly protested against his conduct as being unjust and illegal, but being unable to arrive at any satisfactory settlement of the case, I refer it to your Excellency, and will await your action

I have the honor to be
Sir
Your Ob't. Servant
W.F. Mangum
U. S. Consul

To the above letter I made the following reply

Sir

Peking Dec. 9th 1862

Sir

On the receipt of the papers in the case of the American "Portque" "Agnes", I at once brought the facts to the attention of the Government. The Officers who communicated with me through my Interpreter, professed great desire to accede to my wishes to have the Ship released and the damages for her detention paid, and stated that if I would in a formal despatch place the facts before them they would communicate them to Sieh. the Superintendant of trade, in the Province in which Ningpo is situated, with instructions, that if he found the facts as I had stated them, at least, the Ship should be, instantly released. I shall at once make such statement and have it interpreted and acted upon. I regret that

Willie. P. Mangum
U. S. Consul

that the mail which will take this, leaves this morning; but their letter will doubtless be sent at once by their own courier overland.

The case as it comes to me is somewhat embarrassing. The Capt. states one thing, and the Superintendent of Customs another. The Capt denies having violated the customs Regulations. Mr Giquel declares that he has, and names two witnesses to prove it.

Now it is clear that the Chinese Government by the Treaty has the power to make customs regulations and to enforce them by seizure and confiscation of property, but it has no power to impose fines, because these are imposed upon persons and link to possible arrest and imprisonment. Punishment by the XI.th Art of the treaty can only be inflicted by the Consul of the Country to which the citizen belongs. If Capt. King in this case

Concluded

landed goods in violation of the regulations the Gov. was right in seizing them. If he did not and it seized them illegally, then it was wrong and the question became a political one, for reference to the diplomatic agents at Peking - to be negotiated and decided upon, according to the evidence and equity of the case. It is not necessary for the Chinese Gov. to go into our Court with such questions - it cannot if it would [See Attorney Gen. Cushings opinion in Consular Instructions] The Chinese Gov. has nowhere in the treaty yielded up its sovereignty so far as to preclude it from enforcing its own revenue laws in its own territory; but on the contrary has expressly reserved the right to do so. [See Rules 6. and 10. of the Sup. Treaty] In this case when the Superintendent of Customs undertook

took to punish by demanding that Capt. King should come before him to relieve his person from the charge of having done an improper act, and by putting a prohibition upon his vessel until he should purge himself by apology and fine. It was wrong and the Taotai was wrong in sustaining him. Capt King, you say, had paid the duties and had received a permit to discharge his cargo. He was therefore entitled to discharge it, subject only to the seizure of that portion, discharged in violation of Port regulations. These hasty views are not a decision, as there is no case before me for judicial action. I shall do all I can for Capt King but his misfortune is that it will take so long to get action on the part of the Chinese Govt. I must thank you for doing all you could to settle the matter amicably.

I have the honor to be
Your Obt Servant
Anson Burlingame

I shall inform you of the result.
I fear as soon as Sherard Osborne, an energetic officer, takes command of the Chinese Navy we shall have thankless work. Our people, under the old regime were not subject to a very severe application of Customs regulations and may be troubled for a time by an energetic enforcement of them. But by foreigners employed by the Chinese Government. But we have agreed by express treaty stipulation, to permit them to employ Americans without even asking our permission [see Rule No. 10.] and thus we are estopped from doing more than to hold the Government to a strict accountability for any injustice it may do by an improper enforcement of its revenue laws.
I have warned my countrymen that if they would not have trouble, they must strictly observe the Customs regulations and I shall do all I can to see to it

that

they shall not suffer from ignorance
of the regulations by notifying them
and by giving my opinion upon
them as often as a proper oppor-
tunity shall offer. A great number
of decisions must be made by
me, which if rightly made, will
be of service to those who shall
come after me in office.

I have the honor to be
Your Obedient Servant
Orsemus Burlingame,

31 Mr Dennis Rec'd Mar 4th

Legation of the
United States
Peking Dec 12th 1862

Sir I have the honor to
send you marked A & B. the
continuation of my correspondence
with the Chinese Gov. touching
the merchant vessel question.
How long it may continue it is
impossible for me to say. I
send you also a letter marked
C addressed to Commander Mc
Donough on his arrival upon
the China Station. I shall send
Nos 29. 30. and 31. by way of Russia.
Be so kind as to note the time
of their arrival. I have just
received the news of the glorious
victories in Maryland, and strange
to say, I have the news of them
by California, the overland route and
by Russia to exactly the same
date.

I have the honor to be
Your Obt. Servant

Secretary of State

Anson Burlingame

A

Prince Kung, Chief Secretary for Foreign Affairs, herewith makes a communication.

On a former occasion, I made a communication to your Excellency, with reference to the American Consul in New-chwang being still engaged in business, desiring that you would put a stop to such a proceeding. Whereupon you communicated a reply to the effect that there was nothing said in the Treaty as to Merchants not being allowed to act as Consuls, and that the late Minister, Mr. Reed, in his communication on this subject had only reference to the five ports: furthermore that this question should be waived until the American Government shall have sent out a regularly appointed Consul, when you would communicate on the subject again &c. Now examining into the matter, I find that the Treaty with your Country was concluded

in

in the 5th moon of the 8th year of the reign of Hien-Fung (June, 1858) and that Mr. Reed's communication was made in the 10th moon of the same year (Nov. 1858). How then can it be said that Mr. Reed had reference only to the five ports? The fact is, while he was engaged in settling the point, in the Supplement to the Treaty, Commissioner Kweiliang, finding that no distinct stipulation had been made in the Treaty, that no Consul should engage in mercantile transactions, made a communication on the subject to Mr. Reed, whereupon the latter communicated his reply. Now the Chinese Government has inserted this reply of Mr. Reed into the Supplement of the Treaty, and it is therefore regarded as forming a part of the Treaty itself, so that it can no longer be ~~fairly~~ asserted that the Treaty is not explicit on this subject, and is therefore to be regarded

as

as an open question. But if your Excellency insists upon the letter of the Treaty itself, then I beg to remind you that it is equally silent as to American citizens being allowed to establish themselves in New-chwang. Now, no distinction has been made between them and the English and the French. They have established themselves there, equally with the latter. And since, in the Treaties with the English and the French, it is distinctly stipulated that no Merchant shall be allowed to act as Consul, hence it is reasonable that your Government should also act according to this regulation. If therefore, your Government resolves to adhere strictly to the express stipulations of the Treaty, and prevent American Merchants from resorting to New-chwang, then of course nothing more is to be said on the subject: but if your citizens are to settle in the latter place, then there ought to be a conformity to the

regulations

regulations of the other Governments, and no Merchant be allowed to perform the duties of a Consul, so that that there might be a uniformity of practice. Now amicable relations subsisting between our two Governments, if on the one hand, it be insisted that Mr. Knight should be removed at once, it would look like an unfriendly proceeding, and if on the other, no remonstrance be made against his acting as Consul, some difficulties might arise. This communication is therefore made with the expectation that your Excellency would without delay write to your Government to the effect that a regularly appointed Consul be sent out at once to New-chwang, and thus avoid the necessity of much longer having a Merchant act as such. Yours is a great country - it is certainly not supposable that it is deficient in such as could be employed as officers. Henceforth then, it is hoped that

in

in whatever port your citizens may establish themselves, Consuls will be appointed according to the statement herewith made, and no more have recourse to Merchants acting as such, and thus further discussions might thereby be avoided. It is hoped that your Excellency will settle this point without delay, and make a reply to this communication.

The 9th day of the Moon, in the 1st year of the reign of Tungchih, (Oct 31st 1862)

To His Excellency, the Hon. Anson Burlingame, Minister Plenipotentiary of the United States of America, in China.

D

The undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States to China has the honor to reply to the communication of His Imperial Highness Prince Kung Chief Secretary &c. of Oct 31st that he has re-examined the treaty, and must again say that he can find nothing in it to prevent the United States from appointing men who are engaged in trade Consuls.

As to the casual remark of Mr Reed, in his letter to Kwei-liang-made long after the treaty had been signed, and constituting no part of it, nor of the Supplementary treaty - that it was the law of his country that no man engaged in trade could be Consul - the undersigned has to say that Mr Reed was in error - for his country had such Consuls in every part of the world, and even Mr Reed himself

appointed

appointed Mr Nye at Macao,
who was, and still is, a mer-
chant. Mr Reed did not in-
tend to deceive but probably
was thinking of salaried Consuls
and had doubtless, for the mo-
ment forgotten the practice of
his country.

The undersigned is sure
your Highness does not object to
men who trade, with a view to
cast any reflection upon them,
because you must be aware
that in the United States there
is no distinction between citi-
zens, but that every one of good
character may be appointed to
office. The right to go to
New Chwang is derived from
the favored nation clause as
expressed in Art. 30 of the treaty
and from Art. XI. of the British
treaty opening New Chwang to
trade. As to the suggestion of
your Highness, that desiring our
right under the favored na-

tion

tion clause, we must take it, with the conditions of the nation from whom treaty we derive our rights. The undersigned has the honor to reply that he denies it and expresses his surprise that your Excellency should have made the assertion that by express provisions in the English and French treaties merchants are not permitted to act as consuls when there are no such provisions in those treaties. It is the policy of those countries in China, as it will probably be of the United States not to appoint merchants as consuls, save provisionally, but there is nothing in the treaties to prevent it. The undersigned, therefore, maintains the right of this country to appoint merchant consuls, but while the right is claimed, he with your Excellency, can see reasons why in China, it should not be exercised except provisionally and accordingly he has

written

written to his Government earnestly requesting it to appoint salaried Consuls in those ten ports, where as yet, they have not been appointed. In the mean time, however, he has to request that, those good men who have been appointed in those ports, while they hold the seals of office and flag of their country shall be respected accordingly and to inform your Highness that any failure, on the part of the local offices so to do, will be resented as a violation of treaty rights and that Spirit of amity which now exists and he trusts always will exist, between the two countries. The undersigned reciprocates most cordially the sentiments of friendship for his country as indicated in the communication of your Highness and renews the assurances of his high consideration &c

Anson Burlingame

To Prince Kung
Chief Secretary &c.

6

Peking October 25. 1862.

Sir,

I have the honor to acknowledge the receipt of your letters dated September 27th and 30th respectively, informing me of your arrival on the coast of China, and of the nature of your original and later instructions.

I congratulate our countrymen in China that they are to have so efficient an officer as yourself to watch over their interests. I shall confer frankly and frequently with you to the end that we may co-operate harmoniously, in securing our Treaty rights, and in maintaining our Treaty obligations. I can well appreciate your feelings as a gallant officer in being so far from the great struggle at home, but still your are under the orders of your Government and have been assigned to the most important naval station there is. I

shall

Commander D. McDougal.
U.S.S. "Wyoming".

shall go to Shanghae to meet the Consuls some time next Spring, where I hope to meet you. I hope then you may find it in agreement with your instructions to accompany me to the North, and to pay me a visit at Peking where our flag is permanently placed. I thank you for your kindness in bringing my things from Macao. They arrived safely and promptly.

I have the honor to be
Your obedient servant
Anson Burlingame.

No. 32.

Rec'd 29 Mar.

Mr Burlingame

Legation of the United States Peking Jan'y 12th 1863.

Sir

I have the honor to forward the conclusion of the discussion in relation to the United States Bargue "Agnes" which I hope will prove satisfactory.

The undersigned [with titles] has the honor to address to Prince Kung [with titles] a communication.

The U. S. Bargue "Agnes", Thos. H. King Commanding, at Ningpo after having paid duties and received a permit to land her cargo, was, after landing a portion, prohibited from continuing, under the following circumstances.

Hon William H Seward

Secretary of State

Washington

stances. A Tidewaiter of the Custom House by the name of Smith, got into a dispute with the Captain of the vessel about the time when he should land his cargo. The Tidewaiter claiming that the time [ensuite] to cease landing, had arrived. The Capt. that it had not. The Tidewaiter referred the matter to the Commissioner of Customs. Mr Gignel, who without more question proceeded to seize the goods already landed and to put a prohibition upon the vessel from landing any more, until the Capt had apologized to him, the Commissioner of Customs, and paid a fine of three hundred livres. In this position, the Commissioner was sustained by the Lieutenant. Now the Murder-

Gignel

signed does not deny the right of the Chinese Government to enforce its Revenue laws, by the seizure and confiscation of that property which is found after its owner has violated the laws, nor restrict to those punishments for offenses, as whose goods have been smuggled, but he does deny the right of the Chinese authorities to punish or fine citizens of the U.S. under any circumstances. That can only be done, according to Art. XI of the Treaty, by the U.S. Consul. In this case, the Customs, after the duties were paid, and the permit granted, was entitled to load his cargo. If, in loading it, he violated the Port Regulations, there only so much could be seized, as

was

was landed contrary to law. That which had not been landed was mine & had a right legally to be. The Capt denies that he violated the law, as to those goods already landed - and begs to go before his Consul to purge himself of any infringement. But the Commissioner of Customs sustained by the Taoutai, takes the law into his own hands, and undertakes to punish the Capt. not only by the seizure of the goods already landed, but by prohibiting the landing of the remainder until the Capt. had apologized and paid a fine. All this was an infringement of the jurisdiction of the U.S. Consul clearly wrong and renders the wrong doers responsible.

to

No 32

to the Supt. for any damages he may have suffered by such illegal proceedings. The undersigned is instructed that the Supt. is a worthy man, who in a trade on the Chinese coast, of many years, has never sought to violate law. He is a large sufferer by the course taken, and every day is suffering more. When citizens of the U.S. undertake to deal in contraband goods, the undersigned will always be most happy to expose them, and aid the Chinese Government in bringing them to justice, but when they are in the course of legal trade, he must demand for them [what he is sure Your Highness equally desires they shall have] the fullest protection. He thus has to request

that

that your Highness will at once instruct the officers at Ningpo to remove the prohibition from the vessel, to restore to the Capt. his right and to compensate him for whatever loss he may have been subjected to by their illegal proceedings.

The undersigned requests that the U. S. Consul at Ningpo shall enter into a full examination of the conduct of the Capt. and punish him for any improper act he may have committed. The undersigned has the honor to renew the assurances of his distinguished consideration

Peking Dec. 15th 1862 Seven Princes and Prince Kung Chief Sec. for foreign affairs communicates the following reply

reply.

Yesterday was received a dispatch from Your Excellency in which it is stated that an American vessel at Nueva Leo, after having paid the duties and received a permit to land her cargo was after landing a portion of the same, prohibited from proceeding, the following circumstances. The Vice Master of the Custom House got into a dispute with the Capt. of the said vessel as to the time in which goods ought to be landed, the Vice Master affirming that the time to stop landing [sunset] had already arrived, and the Capt. that it had not whereupon the former referred the matter to the Commissioner of Customs who proceeded at once.

more to seize upon the goods already landed and also to prohibit the vessel either to land the remainder of the goods or to take in a new Cargo until the Capt shall have paid a fine of three hundred Tuels &c. &c.
Now it appears to Prince Rupert that since the said vessel on her coming at Ningpo did pay the duties and also get a permit to land her Cargo, although the Custom House had a right to send a Tidewaiter on board of her to superintend the landing, it had none to seize upon any goods or impose a fine of 300 Tuels. However no goods ought to have been landed after Sunset, the Capt. did therefore wrong in attempting to land by force

against

against the remonstrances of the Tide waiter. But on the other hand the Custom House ought to have strictly enjoined the Capt. that he should remain until the following day and then land his Cargo. It was also [illegible] on the part of the Custom House to put at once a prohibition upon the vessel and impose upon the Capt a fine of 300 taels. Now the arrangements in the different custom houses as the appointment of Officers &c. were specially made with a view to have the business of the Customs transacted in a manner agreeable both to this Government and the respective foreign countries. This office therefore has already transmitted a despatch to the Governor of Chekiang calling

calling upon him to have the matter thoroughly investigated, and if convinced, if anything contrary to law has been committed upon the part of said vessel, to decide the case impartially according to the provisions of the treaty. but if no attempt to smuggle, and indeed nothing besides landing cargo after sunset can be laid to the charge of the vessel, then to withdraw at once the prohibition and by no means exact any fine from the Capt. As soon as information with reference to this matter shall have reached this office Your Excellency shall be informed thereof at once. In the meantime it is but proper that this should be communicated in reply to Your Excellency's dispatch.

A.

A Communication to His Excellcy
the Hon Anson Burlingame Esq
&c. &c.

Dec. 27th 1862

The above dispatch was
translated by Mr Scherzerschewsky
in the absence of Dr Williams who
has gone to Macao to bring up his
family in the Spring. I send this
via Russia. Will you be so kind
as to note the time of its arrival.

I have the honor to be
Your Obedient Servant
Anson Burlingame.

No. 33.

Rec'd 29 July

Mr Derrick

Acknowledged

No. 23. Dispatches from Ningpo January 29th 1863.

Received

Answered

Did so

I have the honor to inform you that on the 1st day of the Chinese New Year, Prince Kung and suite made a formal call upon me for the purpose of tendering their good wishes. At the same time the Prince brought, in a box, the highly illuminated letter to the President which I send you through the house of Russell & Co. The letter is in Chinese and Manchoo. There is an assumption in the words "to soothe and bridle the world" which ~~[illegible]~~ will cause you to smile. My first thought was to object to the language but when I learned that it was formal, and was substantially what had been used before and that the government really intended to be unusually kind, I thought it would be impolitic and ungracious to criticise the form in which that kindness was sought to be expressed.

I send you two translations of the letter. one marked A. by Mr

Hon Wm H. Seward

Secretary of State

&c

Mr Schemeseweshy, who interprets in the absence of Dr Williams - the Shen with's note marked B. by Mr Wade of the British Legation. From these you will learn its true meaning.

The fullest Equality is conceded to the President and the United States by the position in which they are placed in the Chinese text as well as by the language used in the beginning and at the end of the letter.

I feel that I am here to secure essentials and not to raise questions about unimportant matters.

I do not suppose the President will be troubled to learn that the Emperor of China thinks he has received a Commission "to soothe and bridle the world" but I imagine that he will be pleased to learn that I have established the most friendly relations with the Chinese Government.

I have the honor to be,
Sir,
Your obedient Servant,
Anson Burlingame.

The Emperor of the Tatsing Dynasty salutes the President of the United States of America.

On the 25th day of the 7th moon of the present year (August 19th 1862) the President's Envoy Anson Burlingame presented a letter from the President. On perusing it, we found it to be entirely expressive of sincerity and truth and a desire for relations of long continued friendship and peace, at which we were indeed greatly rejoiced, and we have instructed the Office managing Foreign affairs to show all proper attention to the Envoy Anson Burlingame. Having with reverence received the commission from Heaven to rule the Universe, We regard both the Middle Empire and the outside Countries as constituting one family without any distinction. And acting sincerely in our mutual intercourse, we must endeavour to extend forbearance to each other and we wish that our friendly relations with the President may henceforth increase in strength and may we both enjoy the blessings of peace, the attainment of which undoubtedly will be most gratifying.

The Seventh day of the 12th moon in the 1st Year of the reign of Tungchi. (January 22d 1863.)

His Majesty the Emperor of Ta Tsing Dynasty salutes His Majesty the President of the United States of America.

Upon the 25th day of the 7th moon [the President] Envoy Anson Burlingame having arrived in Peking presented (or brought up) a letter from (the President) which when (We) had read it, [We] found to be written in a spirit of cordial friendliness (breathing) nothing but a desire for relations of amity that should ever increase in strength. Our heart was much rejoiced indeed (by the perusal of this letter) and We have instructed the Office for the superintendence of Foreign affairs to shew all suitable attention to (or, to receive satisfactorily) the Envoy Anson Burlingame.

In virtue of the commission We have with awe received from Heaven (God) to rule (viz. to soothe and bridle) all the world, nations and foreigners must be to Us as one family without distinction, and in our relations with men, We must be thoroughly sincere in all things.

It is our duty to regard

May our friendly relations with H. M. the President henceforth increase in strength and may both of us alike

alike enjoy the blessings of peace. The attainment of such objects we cannot doubt would be most gratifying.

(signed) T. Wade.

Translator's Note.

The words signifying "to soothe and bridle the world" no doubt imply that the Emperor of China as Tien tzŭ, Son of Heaven, is to the sovereigns of the earth a superior much of the sort that the Pope was at various periods from the days of Hildebrand down, claimed to be. But beyond a remark to the Prince that we foreign nations, do not admit that we can be "fu yü" "soothed and bridled" by any but our own governors.

I should not, were I responsible for an opinion, recommend that further notice should be taken of the at first sight and person objectionable expressions. For the position of the terms United States and President admits the fullest equality between the Nation and its ruler and the Chinese Empire and its sovereign; and the salutation with which the letter commences is as significant of the equality of the President with the Emperor as words can be; while the

close

close of the letter is scarcely less so, "that we may Jesus
having, together, or, alike, enjoy peace increasing" would
certainly not have been written thus had the writer
intended to hint that the person addressed was less
than his equals.

(Sd) F.W.

No 35-34. Rec'd 22nd Aug.

Legation of the U. S.

Peking [redacted] 1863

Mr Jernick.

Enclosures sent Surgeon General

Sir 26th Aug.

Sir

I have the honor to send Surgeon D. F. Rennies views on the nature and treatment of certain diseases particularly of Small pox. I am not qualified to judge of the advantages of his new system but, as possibly it may be of service to our army I send it together with the first Report of the Hospital at Peking, under the direction of Dr. Lockhart F. R. C. S. from Oct. 1st 1861 to Dec. 31st 1862.

I have the honor to be

Sir

Your obt. Servant

William H. Seward

Secretary of State.

Anson Burlingame

No 35.

Rec'd 21 May 63 Mr Dennett

Copy sent to the Senate 23 of Jan[y] or thereabouts

Legation of the United States.

Ratification sent to Mr Burlingame 23 d[y] Feb 1864

Peking, April 12th 1863.

Sir,

I have to inform you that on February 6th 1863, I received a dispatch marked A, from Prince Kung, in which he expresses a desire to have Article 21st of the Treaty so modified as to permit duties to be paid when goods are exported at the Port into which they are finally imported, and that in such case, it would not be necessary to get Port clearance. The object of this change, which was suggested by Chunghow the Superintendent of the three northern ports, was to secure a fairer distribution of the revenue.

I answered that I would examine the subject and if possible meet the desires of the Prince. I accordingly did examine the subject, and found that there was no objection to the change, but to make the system more perfect it was submitted through Sir Fred[k] Bruce the British Minister that Drawbacks should be substituted for Exemption Certificates at all the ports.

Prince Kung replies in a Communication

Hon[ble] Wm H. Seward

Secretary of State.

communication marked B. in which he assented to the change. In my reply to this communication marked C. I assented to the modification of the Text subject to the ratification of the United States Government.

The change has delighted the Merchants, and with the Special Regulations with regard to the port of Tientsin marked D will do much to facilitate trade in China. I send a Memorandum marked E. made by Mr Makie of the Tientsin Customs giving full reasons for these changes.

I have notified them at Shanghae and Tientsin according to the forms marked F. & G. I have to say with regard to the Yangtze river Regulations which at first met with opposition, that I have just been informed by a leading Merchant in Shanghae that, while six weeks before he wrote, not many favored the rules, now there was not one against them.

They were not at first understood and Sir Frederick Bruce and myself were quite sharply criticised for having assented to them now however since

no

our countrymen have learned that we really acted in their true interests and in the light of diplomatic knowledge they did not possess, they are very grateful to us.

Hoping my conduct may meet with the approval of the Government -

I have the honor to be,

Sir,

Your obed.t Servant,

Anson Burlingame

Prince Kung, Chief Secretary for Foreign Affairs, makes a Communication.

It appears that in the 21st article of the Treaty with the United States, the following is provided "Citizens of the United States who may have imported merchandize into any of the free ports of China and paid the duty thereon, if they desire to re-export the same in part or in whole, to any other Chinese port, shall be entitled to make application through their Consul, to the Superintendent of Customs, who, in order to prevent fraud on the revenue, shall cause examination to be made by entitled officers to see that the duties paid on such goods as are entered on the Custom house books correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum on the port clearance of the amount of duties paid on the same and deliver the same to the merchant and shall also certify the facts to the officers of Customs of the other ports, all which done, on the arrival in port of the vessel in which the goods are laden, and everything being found on examination there to correspond, she shall be permitted to break bulk and land the said goods without being subject to the payment of any additional duty thereon." According to this provision, therefore, goods, on which the duty has once been paid in any port, may be re-exported and imported into other ports without repayment of import

duty

duty. But it has turned out that since this provision has been in operation, the amount of foreign goods re-exported from the three northern ports for the ports of the south has been very small, and on the other hand, great quantities of goods have been re-exported from the southern ports and imported into those of the north. Prince Kung has been memorialised on the subject, by Chungshow, the Superintendent of the three northern ports who proposes that there should be a separation between the northern and southern ports with reference to the payment of duty on goods in one port and be allowed on re-exportation to be imported into another without repayment of the same, namely, that the old rule should hold good only in the case of goods being re-exported from one southern port and imported into another southern port, or re-exported from one northern port and imported into another northern port, in other words, that it should be applicable only within the separate jurisdictions of Commissioner Lie and Chungshow respectively; but that in the case of goods being re-exported from any of the southern ports and imported into one of the three northern ports or vice versa, being re-exported from one of the three northern ports and imported into any of the southern ports, no duties should be paid on the same in the ports whence such goods are re-exported, but in those ports into which the same are imported, in which case, it would only be required

required that vessels carrying such goods should simply get port clearances. He (Chungshow) has also begged the Prince that he would propose this new arrangement to their Excellencies the different Foreign Ministers residing here. The Prince, finding that arrangement upon such a proposition would necessarily require that some change should be in the least to this effect has well considered the subject and deliberated upon it with the Commissioner of Customs, Mr Hart, who expressed himself to the effect that such an arrangement would not be at all against the interests of the merchants, on the contrary that it would be more convenient for them to pay import duties in the northern ports on goods exported from the southern ports instead of paying the same in the latter for owing to the fact that so little is exported from the northern ports, they have to carry a great amount of money back to the South, which they say to be rather inconvenient, hence the payment of Customs in the northern ports would quite be to their convenience. The Prince has since then considered the matter over again and has arrived at the conviction that the arrangement proposed by Chungshow would by no means interfere with the interest of the merchants, and therefore thinks that it ought to be adopted.

Having transmitted communications on this subject to their Excellencies the other foreign Ministers here, he com-

-municates

communicates this to Your Excy in expecting that you would consider the matter well & having agreed to the proposition, to instruct all Consuls and merchants to act according[ly].

A Communication to this Excy the Honorable Anson Burlingame, Minister Plenipotentiary and Envoy Extraordinary of the United States of America to China.

The 19th of the 12th moon of the 1st year of the reign of Tungchi (February 6th 1863.)

B

Mr. Wang, to whom Mr. Marcy makes a Communication.

It appears that with reference to the proposed substitution of drawbacks for exemption certificates, in the case of foreign goods being exported from one and imported into another of the ports in the two respective Northern ports and Southern superintendencies of Customs, Your Excy communicated me a dispatch in which Your Excy expresses himself to the effect that since the proposition would require a change in the law, the matter must be well considered and that if it should not indeed interfere with the interest of trade, Your Excy would have no objection to its being adopted.

Sometime afterward I also received a communication from His Excy the British Minister in which he states that according to the opinion of all English Merchants, the adoption of drawbacks for exemption certificates would not be against the interest of trade. Moreover he proposes that instead of having this new measure applicable only in the case of goods being exported from one and imported into another of the ports in the two respective superintendencies, to have it adopted everywhere and in all cases, whenever goods are exported from one port and imported into another, no matter whether North or South. He also sent me a copy of a Special new regulation which he proposes to be adopted with reference to the port of Hiogo and that it should be carried into effect at the same time with the substitution of drawbacks for exemption certificates, provided that drawbacks be regarded as negotiable and transferable articles, and be accepted by the Custom house from whatsoever merchant who may

tender

tenders them either for import or export duty to be paid by him. Now although it was originally proposed by Superintendent Chungkwo to substitute drawbacks for exemption certificates only in the case of goods being exported from the one Superintendency and imported into the other, I think it would be best in accordance with the proposition of His Ex.cy Sir Frederick Bruce, to adopt drawbacks in all cases of exportations. I therefore intend to instruct all Custom houses both North and South, hereafter to do away with exemption certificates and introduce in their stead drawbacks in all cases of foreign goods being exported from one and imported into another port and moreover that it should be expressly stated in the drawback that it is to be regarded as a transferable article and that the Custom house must accept it from whatsoever merchant who may tender it to the amount specified in it as import or export duties to be paid by him, but this is only to be applicable to the original Custom house by which the drawback is issued but not to any other. By this provision one avoids all his drawback for ready money and there will therefore no disadvantage arise to small merchants.

As to the special regulation with regard to the port of Tientsin, I called upon the acting Superintendent of trade at Tientsin H. E. Tsung to consider the feasibility of the measure. I have now received the conclusion which Superintendent Tsung and the foreign Commissioner of Customs have after mature deliberation arrived at and which I find to be in agreement with what His Ex.cy the British Minister proposed. Having made

made a communication on the subject to His Ex.cy and the other foreign Ministers. I communicate this Your Ex.cy and also transmitting a copy of the above mentioned Special regulation with reference to Tientsin that Your Ex.cy might consider the advantage which will accrue from this regulation also to Americans.

I also expect that Your Ex.cy will at once inform all merchants of this regulation as well as of the adoption of drawbacks.

On my part I shall at once instruct all Custom houses to substitute drawbacks for exemption certificates and shall also instruct the Custom house at Tientsin to adopt at the same time the new Special regulation.

If however these new regulations should in the future prove not to work well, it is understood of course that they could be reconsidered and change them as circumstances might require.

I expect an answer from Your Excellency.

A Communication to His Excellency the Hon.ble Anson Burlingame Minister Plenipotentiary and Envoy Extraordinary of the U. States of America to China.

The 2.d moon the 4.th in the 2.d year of the Reign of Tungchi (March 22.d 1863.)

6

Legation of the United States,
Peking, April, 7th 1863.

To Prince Kung
Chief Secretary for Foreign Affairs.

I have the honor to reply to the communication of Your Imperial Highness of the 22d of March that I have examined the question as to the substitution of Drawbacks for Exemption Certificates and approve the change; but as it is a modification of the 21st Article of the Treaty of Tientsin, my approval is subject to ratification by the United States Government; pending which I will give notice to the citizens of the United States that from and after the day of no more Exemption Certificates will be issued, but in their place, a Drawback that shall be a valid tender by any citizen of the U. States who may have import or export duties to pay, in that port in which the Drawback may be issued. In this Connexion I call the attention of Your Imperial Highness to the notice recently given by the Superintendent of Customs at Shanghae that he will grant no Exemption Certificate in the case of goods re-exported after the expiration of twelve months from the date of their importation. As that notice was in direct violation of the Treaty, I trust Your Impl. Highness will instruct the Superintendent of Customs that there is

no

no limit to the time within which, duty paid, goods may be re-exported from their first port of entry to a second or from clearing to a foreign port.

I shall also give notice of the special regulation for clearing sailing vessels at Tientsin.

I have the honor to be,

Your obed^{t} Servant,

Wm Bunting Jnr.

E. Memo.

The advantage to the Tientsin Customs House of the abolition of Exemptions Certificates, balanced by the advantage to Merchants of the earlier issue of Port Clearances to Sailing vessels.

Under the present system a Steamer, as soon as she has discharged her Cargo at Taku, may at once obtain her Port Clearance, without waiting until the goods have passed the Customs and the duties have been paid. The conditions required are that the Agent binds himself by a Bond, sealed by his Consul, to pay all dues and duties for which the Steamer may be liable. The amount of the Bond is usually estimated, in round numbers, at about double the probable amount of duties. The experience of two seasons during which this system has been in operation, has proved it to be a perfectly safe and advantageous one for all parties concerned. Vexatious delay and loss of time to the Steamer has been avoided, while the revenue of the Customs' has been in no way diminished.

Now the same advantage, or facilities for the most rapid issue of Port Clearance, might equally be accorded sailing vessels, under the condition of a Bond, as in the case of Steamers.

Indeed, the logic of taking A.B. & Co's bond for the duties of a Steamer and refusing it for the duties of a sailing vessel is not very clear. The Merchant has a better plea in this instance

instance for his artery than in the too many instances when he raises his voice against (what he calls) "the Foreign Customs".

The grounds upon which the issue of Sat Clearances to Steamers before the duties have been paid are the all important of time. The delay between the time the goods left the vessels side — say outside the bar — and the time they reached the Jetty at Sz Chu Lins, and were examined, passed, and the duties paid often equalled the time occupied in a voyage to Shanghae. Now the same time lost to a sailing vessel is of less precious in degree. In the N. E. monsoon a smart vessel would not be much behind a Steamer in running down to Shanghae.

The outer anchorage at Takoo ranges from seven or eight to twelve miles from the Forts. Vessels of all descriptions above a certain draft are obliged to lie there. Those of smaller draft, sufficient to enable them to cross the bar, usually enter, and discharge at Takoo proper.

For the discharge of Cargo from vessels lying at the outer anchorage junks are employed by these, as soon as they enter the river and cross the bar discharge their goods again into smaller boats or lighters. The lighters usually occupy from three days to a week in getting up to Sz Chu Lins, where the goods are examined and duties paid. It might be arranged that the Customs officer at Takoo, as soon as he has sealed the last

lighter

lighter of goods coming a sailing vessel, should report the fact to the Tientsin office at once. He could do so by sending up a pony which is kept by the office at Taku for the purpose of carrying letters; or he could avail of the Pony Express which travels daily between Taku and Tientsin. The Agent or Consignee of the vessel, also, would soon find means of informing the Tientsin Custom House that his vessel had completed her discharge; provided it was intimated to him that such information, together with the execution of a Bond, as above mentioned, would enable him to obtain the Port Clearance at once.

It is to be observed that apprehension by the Customs as to the safe collection of duties only holds upon Inward Cargo. The duties upon outward Cargo are necessarily collected before the goods themselves are released from by Chinese. Inward cargo may be discharging, or in transit, whilst outward cargo is going down the river, or is being put on board. Hence, a Port Clearance might be issued to a Vessel before her outward Cargo was all on board; as the duties on this must have been already paid, the Customs need take no further thought about them.

A port could hardly be more awkwardly situated than that of Taku, with its relative position to Tientsin; and the letter of the Treaty, by which all dues must be paid before the Port Clearance is issued, enables the Custom House to inflict, as the merchants think, positive hardship.

The abolition of Exemption Certificates would result in the benefit to the Tientsin Custom House of a leap in its revenue at

once

mce from eighty or ninety thousand taels a year to three hundred thousand or more. At present it is saddled with a foreign staff, which, though not heavy in itself, is out of all proportion to its revenue. This would not be the case if it collected its own duties in place of receiving and Shanghae Exemption Certificates.

It collects, of course, its own duties upon exports; but these are very trifling, both in amount and value.

The bulk of the trade lies in the Import of piece goods and opium; the former almost entirely transhipped from Shanghae, and duty paid there; while with opium it is pretty nearly the same case; although some of it comes from Hongkong, in which case, the Tientsin Customs benefit by the duty.

The Merchants might object to the abolition of Exemption Certificates on the ground that it was more convenient to pay the duty once for all, and so have done with it. Agency houses would derive a trifling increase in their Commissions if they paid the duty; as it would appear in their charges, and Commission is charged on charges.

The remittance of specie to Shanghae costs the Merchant about 1/4 per cent; these remittances would be diminished by whatever was expended

in

in paying duty, and upon this sum he would save the 1/4 per cent. But this saving might be counterbalanced, or exceeded, by his Agents' Commission on the Duty as an item of Charges.

Another plea for the collection of its own duty by the Tientsin Customs House is that it has no connection with Shanghae or the southern ports, leaving out of the question the broad rule that the collection of duty should be based as far as possible on the principle of levying it at the places of consumption. If the Chinese Custom Houses along the Coast were united, as links of one chain, as indeed they would be in Europe or America, then it would be immaterial whether one port got more or less of its fair share of duties.

But as the present system is each port for itself and the Empire for all, it is hard that the Shanghae Taotai should swallow up the Tientsin revenue, and the Yangtsze ports too.

As to Drawbacks little need be said. It is a Chinese Document no more troublesome to execute or issue than an Exemption Certificate, and is always accepted [by the Tientsin Customs] in payment of duties; besides being transferable.

The concession to Merchants at the port of Tientsin of a more speedy issue of Port Clearance & sailing

sailing vessels would probably tend to reconcile them to any change contemplated as to Exemption Certificates. Nor must it be forgotten that what benefits sailing vessels at Tientsin benefits also their owners at Shanghai, or elsewhere.

D F J. Peking, April 11th 1863.

Sir,

Will you give the following notice in relation to the clearance of vessels from Tientsin.

I am instructed by His Excy Hon. Anson Burlingame Envoy Extraordinary and Minister Plenipotentiary to give notice, that in order to facilitate the dispatch of sailing vessels trading at the port of Tientsin, the Chinese Government has consented to their clearance under an arrangement similar to that recently adopted in the case of Steamers trading at the same port. On the arrival of the vessel outside the bar, or in the port of Taku, the manifest will be forwarded as usual to the Customs and the passage of the cargo therein described passed the Customs Station at Taku, having been reported by the Tide Surveyor in charge, the Customs, on receiving from the Master or Consignee of the vessel a Memorandum of the nature of the Cargo, names of the parties to which it is consigned, and other particulars, will compute the amount of Duty leviable and will demand of the Master or Consignee of the vessel, the Equivalent of this amount either in cash or in duty receipts, or some other sufficient security.

On satisfaction of this demand, the Customs will issue the grand Chop, and the vessel will be free to proceed to sea without further delay.

When the whole of the cargo shall have been cleared, the deposit will be returned or the security cancelled. Masters or Consignees not desiring to avail themselves of the provisions of this regulation will clear as heretofore in the manner

S. Wells Williams Esq.
U. S. Consul. Tientsin

manner prescribed by treaty.

I have send a copy of Notification to be published in the North China Herald at Shanghae in relation to Drawbacks.

Consulate of the United States

Tientsin 1863.

I am instructed by His Excy Hon. Anson Burlingame, Envoy Extraordinary and Minister Plenipotentiary to give notice that he has agreed, subject to the ratification of the United States Govt to a modification of that part of Art: 21st of the Treaty of Tientsin under which duty paid Imports Coasting vessels have hitherto cleared at the 2d Port of Entry by Exemption Certificates.

From and after the day of next no more Exemption Certificates will be issued by the Customs but any Merchant importing Imports as above, their marks being unchanged and the conditions of the Treaty affecting them otherwise being fulfilled will receive instead a "Drawback" on the face of which it will be stated that the same may be tendered by any Merchant in payment of any duties whether import or export within the Port at which it is issued but that it will not be a valid tender in payment of duties at any other Port.

I have the honor to be Sir
Your Obt. Servant
Frederick Bunting Junr

The above was notified by the
Consul at Shanghai

No. 36.

Legation of the United States,

Peking April 18th " May 1863.

Sir,

I have the honor to send you the correspondence from our Consul at Ningpo inclosed marked A. B. C. & D. & E.

From this it appears that the French Consul Mr Edan undertook to secure a portion of the city of Ningpo to the French Govt and that Mr Mangum the Amr Consul opposed that attempt and referred the Correspondence to me at Peking. I immediately in an interview with the Chinese authorities here, supported our Consul not only because Mr Edan's attempt was in violation of the arrangement made on the 13th of January (see minute) but on the broad ground that any concession of territory would be an abridgment of our treaty rights. that it was our right to buy and sell and live in any part of any treaty port, and that any such concession would infringe that right

Honorable Wm H. Seward.

Secretary of State

right and if they might concede a part, they might the whole, and I warned them that such concessions if made, would not only destroy our treaty rights but that they would be the beginning of a dismption of the Empire. They informed me that they had not granted any concessions, nor would they, and thanked me for taking a position as in accordance with their rights. I never failed in my interviews to keep the non-concession doctrine before them because I had been made aware in Shanghai by conversations with the British Consul that he and the English residents supposed they had a quasi territorial concession at Shanghai over which they could maintain jurisdiction not only over British subjects but over Chinese. This assumption led the French to make like claims and the result was that there was a race between apparently between the British and French local authorities as to which could secure the most.

1

I brought the question in many conversations to the attention of the British and Russian Ministers and since his arrival to the French Minister. I am happy to say that I found my views accorded with theirs and that we are now, on this most important question, in perfect agreement and this agreement is a guarantee of the territorial integrity of the Chinese Empire.

As an earnest of the sincerity of Sir Frederick Bruce on this subject, I send you copies of letters marked F, and extracts from letters, addressed by him to Her Majesty's Consul at Shanghai, from which it will be seen that Sir Frederick Bruce takes the non-concession ground most strongly.

I have the honor to be,

Sir,

Your obed.t Servant,

Anson Burlingame

No 4

U.S. Consulate, Ningpo. Sept. 4th 1862.

A

Sir,

I have the honor to transmit to you copies of the Correspondence between Monsieur B. Edan, Consul of France at Shanghae, and myself in regard to the matter of "Concession" on the Kiang Pih site; also a Communication from Monsieur Edan & the Taoutai of Ningpo, demanding a separate French Concession, the limits of which are therein stated. At the Conference held by the Three Treaty Powers at this Port, on the 13th of January last, when it was determined to take joint possession of the Kiang Pih site "for defensive purposes", it was understood, and which distinctly, that all necessary measures for the protection and prosperity of the settlement should be the joint efforts of the three Treaty Consuls residing here, and that no other arrangement should be entered into, until the course we had deemed necessary to adopt, should be decided upon by our respective Ministers at Peking. This arrangement was again approved of at the second conference held by the said Treaty Consuls, on the 31st of May, last, after the expulsion of the Rebels from Ningpo. Monsieur Edan's demand upon the Taoutai for a separate French Concession embraces perhaps the most valuable and important portion of the Kiang Pih settlement, & includes the greater portion of the property belonging to americans settled here. property owned principally by our Missionaries who were the first foreigners to settle on this side of the river. A sense of duty compels me to oppose this demand, & I lay the matter before you Ex^y in that in conjunction with the Representatives of the other Treaty Powers, some satisfactory disposement may be determined upon.

His Ex^y Anson Burlingame
U.S. Minister, Peking China.

I have &c
(Sd) W. P. Mangum. U.S. Consul.

U. S. Consulate, Mingo August 29th 1862.

Sir,

B

I have the honor to acknowledge the receipt of your communication of the 18th Inst, inclosing a copy of the Communication addressed by you to H.E. The Taotai of Ningpo, demanding a separate French Concession in the Kiaung Sho settlement, which I found awaiting my return from this country where I have been absent for several days in consequence of ill health.

I reciprocate heartily the regret you expressed at not being able to meet and talk with you upon the subject in question, involving the interests of so many parties, & frankly confess that a sense of duty compels me to refuse my assent to the step you have taken as being in direct contravention of the understanding among the three Treaty Powers at the Conference held on the 13th of January last, and ratified at the Conference held on the 21st of May last, to wit:- That this matter should be referred to the Representatives at the Court of Peking & we abide by their decision - it not being supposed at the time to be in the power of either of the Consuls to make a demand for a separate Concession - Again, the portion you have demanded for a separate French Concession embraces the oldest settled, & most valuable part of the foreign settlement including the greater part of the property belonging to the American Missionaries, who established the first foreign Mission on the Kiaung Sho site - this fact I presume you may not be aware of - and I trust that you will at once see the injustice of transferring such large & valuable interests beyond the jurisdiction of their representatives at this Port.

In fact Sir, when we take into consideration the situation of the property belonging to foreigners here, mixed together in all conceivable ways,

Monsieur B. Edan
Consul de France Shanghai -

&c &c

I do not see how separate concessions can be made in the Hongkew Settlement, without great injustice to the citizens of at least two of the Treaty Powers.

Copies of yr Communication & this reply I will transmit by the earliest opportunity to the U.S. Minister at the Imp^l Court of Peking, where by consultation with the Representatives of France & England, some satisfactory settlement may be arrived at. With sincere wishes for yr health and happiness.

I have &c

(Sd) W. P. Marquand

U.S. Consul

6

Copy.

Minute of a Conference held at the U. S. Consulate at Ningpo, Chusan, this morning the 15th day of January 1862.

President. Capt^n J. Corbett. R.N. H.M.S. "Scout."

Do Willis P. Marquand Esq. U.S. Consul at Ningpo.

Do Fred^k Harvey Esq. H.M. Consul at Ningpo.

Whereas certain Forces in opposition to the Gov^t of China have captured the city of Ningpo & its surrounding district. And whereas in the absence of any Imp^l authority, it is necessary for defensive purposes, for the protection of life & property, & for the gen^l security, order & good Gov^t of foreigners residing at Ningpo, that certain limits should be clearly defined, within which those foreigners are to reside free from molestation, aggression & interference of any kind. For these purposes the undersigned as the only Representatives of Foreign Powers at this Port, have this day met together at the U.S. Consulate, & have, after consultation, agreed & determined upon the following articles—

1st That that Tract of Land or country, or Promontary, known as the Kearnsfish site, & comprised within the boundaries or limits drawn by the Chinese, the Yu Yuen river, the Kun Po Foo Creek, & a line drawn across the fields from the Sze-Kew-Meeu (or Temple) to join the Yu Yuen river aforementioned. (the whole site forming an irregular Quadrangle or Trapezoid) shall from this date & hereafter, be assumed & considered as the "Foreign site", within which such Foreigners shall reside free from any interference of any nature whatever, always subject to their respective Treaty Obligations.

2d The undersigned reserve to themselves to make and establish such Rules and Regulations, within the limits aforementioned as the future necessities of the settlement may render necessary, such Regulations to be in conformity with the provisions of their respective Treaties with the Impl. Govt. of China.

3d The above agreement to which the undersigned have appended their approval & signatures, will be submitted without delay to the High Ministers & officers of the nations to which the undersigned respectively pertain & belong.

Jno Corbett —
Capt. U.S. Mss. Scout
" W. P. Mangum
U.S. Consul Ningpo
" Fredk Harvey.
H.M. Consul do.

Copy.

French Consulate, Yeddo, Augt 18th 1862.

Sir,

D/

I have the honor to inform you that I have addressed, yesterday to H.E. the Taotai Tchang, an official demand for the purpose of obtaining the concession of a piece of land to be appropriated to the residence of my countrymen upon that part of the Camps where there is already a chapel & cemetery.

I add here the copy of my dispatch to that functionary for your personal edification upon a subject which interests both of us. How much I regret, Sir, that your absence from Yeddo, at the moment when I arrived there had not permitted me to converse with you in advance of the subject which led me there. I should have liked to enter into Communication of ideas with you upon the solution to give to the question, for a long time in suffrance, of the strange concession in this port. to convince you that the Conference of Janry 13th like that of May 21st are equally favorable to the determination that I have taken.

The Consul of Engd to whom I have imparted equally my despatch to the Taotai does not partake of my manner of seeing & has declared for a joint concession in preference to a division between three. Without speaking to you of the inconveniences that I find in this unity of Govt of which the most immediate is that of translating itself into a single & unique influence which absorbs the other two, I limit myself to tell you that I have transmitted all my correspondence relative to this affair to the Legation of France at Peking, so that a definite understanding between the three Ministers may put at last an end to the provisional rule which destroys the future of the Camps.

I do not fear Sir, & dear Colleague if my proceeding will find a support or an adversary in you but I am sure beforehand of this, that it will be received by you with

with benevolence and courtesy. Whatever may happen, you will under it this justice in default of all others, that at least, it has the inappreciable advantage of (giving motives) to life, in calling out the community of things from a state of uncertainty prejudicial to all interests.

I have &c

(Sd) B. Edan

The Consul of France

&

French Consulate, Ningpo Augt 17th 1862. B. Edan, French Consul at Shanghae & Ningpo addresses the present necessary official communication to H.E. Tcheng, Taoutai of Ningpo.

Hon.le Taoutai, the Treaty concluded the 7th day of the month of June 1858 (7th day, 5th moon of the 8th year of Hienfung) between the great Empire of France & the great Empire of China, contains in its article 10th a stipulation entirely identical with the 22d article of the first Treaty between our two nations in date of 9th day of the 9th moon of the 24th year Taokwang. This agreement between the two treaties proves how much the two Commissioners who have written them, have judged this clause necessary, as much to assure to their countrymen a special place of habitation, sheltered from all possible controversy, as to guarantee them from an absorption, without that, inevitable, in the midst of foreign competitors much more numerous & disposing of a more considerable capital. Here is the terms of Article 10th of which this is the point (follows the text entire of the article cited) ——

Without speaking of concessions obtained by other Empires, a few a great scale, at Canton, at Shanghae, Hankow, Kiukiang, Tchentiang for it suffices to say that the French, until now, have not made use of their right of Concession and as yet in very modest proportions, only at Canton, Tsiutsein and Shanghai. Now (in consequence of efforts

of efforts & sacrifices which the Govt of his Majesty the Emperor has made to bring back peace & commerce into the Country submitted to your administration, the French interests have taken in the port of Ningpo, a (development) which exists in this locality, a new application of Art: 10e before cited, of which the small importance of these interests had not, until then made them feel the need. The cause has been declared urgent by official act of the Consuls of France England & America, foreign Concession. It is by this title that Mr Oby, one of the officers of the Impl Navy, who have commanded in this port, has caused to disappear the (pavillions) planted by the rebels & chased those of the bandits who pretended to shew themselves there, freely. It is then, on this land, assigned without controversy on your part for the dwelling of foreigners, that it is expedient that the places may be fixed for the French Concession, and to this effect, that no one may be ignorant of it, I pray H.E. to make known by a public proclamation, that in virtue of his powers & conformably to the treaties of France with China, it has determined that the limits of the quarter designed for the residence of the French shall be those hereafter described. At the East, the river which leads to Tchenpai, at the South & West, the rivers which lead to Yuyao. at the north, a line drawn from the pavillion of the green house, to the pavillion of a pagoda called Yangshen tsouge and serving for the preparation of tea. This line prolonged to the river of Yuyao, goes to meet the land of a chinese called Sie. I pray you moreover, Mr Taotai, to have the goodness to announce in this notification — 1st That in the case where indigenous proprietors should refuse to sell to the French in the limits defined above, or exact any prices which are not conformable to the Chinese prices courant, you will intervene to endeavour to make the people obey the prescriptions

of the

of the article of this treaty above and 2d that as for the subjects of other Empires who would wish to make a settlement in the quarter which are now in question they should have to explain themselves to this effect with the Consul of the Nation which this proclamation concerns. By that a proof will be given to foreigners that the French authorities in claiming a concession of ground for their countrymen have not had in view to hinder respectable citizens from establishing themselves by the side of them, but that they have wished only to make a reservation in favor of citizens which they have for a special duty to protect.

It is for this end that I have the honor to address to you the present despatch which is so much the more worthy of your attention as it is a direct appeal to your fidelity to the treaties and to the sentiments which ought to preside over our mutual relations.

(Sd) B. Edan.

Sir,

Peking, Sept. 8th 1862.

With reference to your letter on the proposals made for the management of Shanghae, I have to observe that there is great misapprehension of the position of these so-called foreign Concessions. The British Concession at Shanghae was neither a transfer nor a lease of the land in question to the British Crown. It was simply an agreement that British subjects should be allowed to acquire land for their personal accommodation within a certain space, in order that they might have the advantage of living together. The land so acquired remains Chinese territory, it is subject to the land tax, and, if the jurisdiction of the Chinese Govt over it is denied, it is denied because, in China, it was deemed essential for the security of British trade that the person & establishment of the trader should be secured from molestation. But the character of the Concession has been entirely altered by the acts of foreigners themselves. Instead of being a Foreign settlement, it has become a Chinese city, in which a few foreigners reside, amidst a large Chinese population. The security & comfort which were supposed to be derived from isolating the foreign community have been sacrificed, and land has been acquired, not for the legitimate purpose of accommodating foreigners, but in order to build on it Chinese houses, which are tenanted by Chinese at high rent, attracted by the protection our bayonets afford, & by immunity from their natural authorities. This system to be proposed to extend as far as it may suit the interest or convenience of parties on the spot; and it appears that the Chinese population so collected is to be extra-territorialized as well as the land they occupy. The Chinese Govt is to be deprived of his power of dealing with them, they are to be taxed for municipal purposes, this interference is to be limited to just prevent & punishing them in cases, which the foreign head of the nation to which the owner of the property occupied belongs, permits to be brought before his Tribunal. The Consummation of this system is to be the erection of Shanghae into a free Port, with a mixed Consular & municipal Govt under the joint Protectorate of the Treaty Powers. It is my duty to remind you that the Chinese Govt has never formally abandoned its rights

over

over its own subjects, nor has Her Mts Govt ever claimed or expressed any desire to exercise a protectorate over them. The only case in which, consistently with the principles laid down for the guidance of Her Mts authority in this country, the Consul has a right to interfere, is, where the Chinese is in the employ of a British firm, and where there is reason for believing that the arrest of a Chinese servant is an outrage through him on his employer. But it is the interests of the British subject, and not the Chinaman, which are protected.

I do not understand what interest H. Mts Govt has in lending itself to a system which is unjustifiable in principle, which would be attended with endless embarrassment and responsibility, & which the Chinese Govt would never submit to willingly. Great Britain has no interest except in providing a secure place for British trading establishments, & whatever inconvenience may arise from the conversion of the settlement into a Chinese town, I do not think that H. Mts Govt will be induced to seek a remedy for them, by extending its jurisdiction over a large section of the Chinese population. Because we protect Shanghae from falling a prey to a horde of brigands, it does not follow that we are prepared to interfere with the ordinary relations of the Chinese to their own Govt. I must impress upon you most strongly the importance of not lending yourself to any proposal which will lead, however indirectly, to such serious alterations in our position in China, as are evidently contemplated by some of the residents at Shanghae. I am convinced that H. Mts Govt would wish to see the limits of the so-called concessions reduced, so as to exclude the Chinese, rather than extended so as to embrace a greater number of them. Our interest in Chinese are trade, & pacific relations with the authorities & I know no more fertile source of misunderstanding than the collection of Chinese within our limits. This is not a question which affects Shanghae alone, it affects our relations with the whole Chinese Empire, and, considering the effect of our example it is of the utmost importance that we should take no step, which cannot be defended upon

correct

some international principle. I request you to reconsider the land Regulations with reference to the principles laid down in this despatch. (signed) F. W. A. Bruce.

Peking 22d. January 1863.

I wish you to understand that by Treaty we have no right to interfere between the Chinese people & their authorities; that the words "Immediately of the British Concession" have no meaning; & that we have no power to compel the Chinese, who live within the aforesaid Concession, to pay any tax for local purposes except through & with the Consent of their own authorities. I am inclined to think that the whole system at Shanghae is a mistake; that the police arrangements of the Chinese within the lines would be more efficiently & more economically done through themselves, than it is done by Europeans, and that our management is both extravagant and oppressive. I beg you also to remember that what is done in a military point of view is for the defence of the Settlement, & that H. M's Govt. has a right to expect that any charges for that purpose will take the precedence of local improvements, which, under these circumstances, might be desirable. If the Chinese are taxed for local purposes to the utmost, it may prove, as I said above that the system is a bad one.

If the Mixed Court at Shanghae entitles us to a voice in the matter of taxes, no distinction ought to be made between the people in the Settlement & those in the City. There ought to be no difference made in favor of the Settlement; in fact, the accumulation of Chinese there is a great misfortune, & would make neutrality impossible, should the Govt. wish to leave Shanghae to take its chance. It is a great source of danger & insecurity of our interests: by ignoring the jurisdiction of the Chinese Govt. over the inhabitants, we release from any claims under the Treaty in case of succeeding fires &c. That is a point not sufficiently borne in mind by the Community.

Peking Nov 5 1862.

Sir,

In reply to your dispatch No. 148, requesting my advice as to the proposals made by the Taotai for the taxation of Chinese subjects within the limits of the so-called British Concession, I have to observe that there is nothing in the Treaties which warrants me in interfering in any way in such questions. The Taotai is entitled to levy taxes as he pleases, and, as long as he merely seeks to impose taxes on persons resident in the Concession, which are paid by those living in the City or suburbs, I see no reason for objecting to it, at a time when it is as much interest as well as that of the Chinese that the Govt should not be deprived of its revenues.

A heavy responsibility will rest on the Consul of any Power, should his action in such matters lead to the disbanding or omitting of the highly paid force under foreign officers, which the Chinese have embodied by our advice.

I am &c

(sd) F. W. A. Bruce

No: 89.

Rec'd 21. Aug^t

Mr Denick

Legation of the U States

Peking May 15th 1863.

So am'd by No 35 2 Sept/63

I have the honor to inform you that I received a letter from Edw^d Cunningham Esq of Shanghae, dated april 16th 1863. in which he writes—

"You will observe by the newspaper that we are proceeding to remodel our Gov^t in the best manner now we may. The committee appointed (I am one) have held their first meeting and determined that Mr Bruce's views [See letters in despatch No. 36.] were unquestionably sound & the only course for the Community is to form a system founded on the principles he expounds.

We therefore are now preparing a letter to the Foreign Ministers, in which, after stating the unpeninis necessity that exists for some Gov^t of the place, stronger than any the Chinese

Hon^ble W^m H. Seward

Can

can give, we ask an expression of opinion upon the principles which are proposed.

We go no further until we learn whether the ministers will support a municipal system founded upon these principles.

If they will, we shall then proceed to elaborate details, upon which we shall again ask their comments & approval & or disapproval. Proceeding in this cautious way perhaps we may save the settlement from the disasters that will befall it if all foreign elements in the municipal control are banished.

The principles are briefly

That whatever authority is established (territorial authority) shall be derived directly from the Imp. Govt. through our ministers.

That such authority will not extend beyond simple municipal matters - roads - police and taxes

taxes for municipal objects.

That the Chinese, not actually in foreign employ, shall be wholly under the control of the Chinese officers just as much as in the Chinese city.

That each Consul shall have the jurisdiction & control of his own people as now, the Municipal authorities simply arresting offenders against the public peace, handing them over & prosecuting them, before their respective authorities, Chinese or other, as the case may be. That there shall be a Chinese element in the Municipal System, to whose reference shall be made & assent obtained, to any measure affecting the Chinese residents.

If the necessary concurrence can be obtained, that all the foreign quarters shall be united under one Municipal System." Immediately on the receipt of this

letter

letter, I consulted with their Excies the British, Russian & French Ministers and addressed to Mr Cunningham the following letter, as the result of that consultation.

Legation of the U. States

Peking May 9th 1863

E. Cunningham Esq.

Sir,

I had the honor to inform you yesterday that I had consulted with their Excies Sir Frdk Bruce & Cl Ballugeek in relation to Municipal Regulations for Shanghai & that they had assented to the principles as briefly stated in your letter of Apl 16. 1863. as a proper foundation for a Municipal system.

I have now to inform you that I have consulted with H.E. Mr Berthemy and that he cordially agrees to the same, & will unite in recommending such a system to the Chinese Govt. In arranging the details

details of your system, it is suggested that great care should be taken to conciliate the feelings & interests of the different nationalities, to the end, that future jealousies may be prevented.

I have &c

(Sd) Rush Bonlingame.

I hope we have in this agreement laid the foundations of a municipal system, for, what is soon to be, if it is not already, the largest city in the East.

This agreement would not have been possible but for the antecedent agreement about Concessions of which I gave an account in despatch No 36.

I have the honor to be

Sir,

Your Obed.t Servant,

Rush Bonlingame

No 38. Rec'd 22nd Aug. Mr Denick

Affairs of Denmark entrusted to my care by Mr Roneloff

Legation of the United States,

Peking 16th May, 1863.

Sir,

I have the honor to acknowledge the receipt of your despatch of 24th March 1862 No 21. Commending Col. Roneloff Envoy Chargé d'Affaires of Denmark to my good offices both on account of his personal and representative character.

I at once addressed a letter to him at Tientsin through Mr Pomeroy, our Consul, inviting him to become my guest while he should remain in Peking.

Accidentally informing Sir Fredk Bruce of what I had done, he informed me that he had sent horses for him to Tangchau and that he would take it as a kindness on my part if I would, considering the relations of England and Denmark by the marriage of the Prince of Wales to the Princess Alexandra, yield up Col. Roneloff as his guest which I most readily, under the circumstances, did.

Hon. Wm H Seward. The

Secretary of States

The first notice we had of his arrival at Tientsin was from the quite angry despatch marked A - * addressed to the different Legations by Prince Kung

I immediately addressed to the Prince the note marked B. While we were discussing the matter, I went one day to the Foreign Office, where to my surprise, I found Col. Rosnoff and suite. It seems the Russian and English soldiers lost himself and the Colonel after riding round in the dust for two or three hours, saw an old man in a large Mandarin Cart, and not knowing who he was, presented his card, in Chinese, to him. The old man turned out to be Chung Lung, one of the chief officers of the Empire, who instantly conducted the Colonel to the Foreign Office where I fortunately happened to arrive about the same time. I made the necessary explanations when after a hearty laugh

* I find that I have not this despatch translated but will send it by the next mail. It made little to Col. Rosnoff because he did not come to Peking

laugh. the question of irregularity is arriving
was ~~acquired~~ waived. The Col. has entered
upon his negotiations ~~made~~ under the most happy
auspices. the singular event on his arrival
being one of them. and I have no doubt
will negotiate a treaty which will be
satisfactory. We are all, but too,
happy to aid him, not only because of
the instructions from our respective Govts
but because of the interest he has
awakened in us by his rare personal
qualities.

I have the honor to be,
Sir,
Your obet Servant
Thos S Gibbing ame

~~[illegible]~~ the usual forms

To Prince Kung, Chf Secretary of Foreign affairs.

I regret that any thing should have occurred to prejudice the interest of Denmark & China by a misunderstanding as to the purposes of Col Rosakoff. I am instructed by my Govt to show him every attention and to aid him in every friendly office. If I understand it, he merely desires to make a Commercial Treaty and I am sure he could not consciously do anything to defeat so good an object.

He comes to Peking as the guest of the foreign Legations but not with a view to wound your just rights by any violation of your ancient usages.

Anson Burlingame

No. 29. Rec'd Aug. 6 Mr. Dennis

Letter on Chinese
to remit to Peace

Legation of the United States.

Peking, May 18th 1863.

Sir.

I have the honor to inform you that the Governor of Kiangsu refused to receive a letter from Geo. F. Seward Esq. as Consul at Shanghai, for the reason that he (Seward) was not of equal rank.

The Superintendent of Trade Seih is by position above the rank of Consul and below that of Minister and whom he chooses, may refuse to correspond with either. The French Prussian, Spanish & Belgian Governments have conferred upon their Consuls the title of Consul General to meet these and other difficulties.

The English Government is about to do the same. I would suggest that it would be wise to confer the same rank upon our

Most

Hon'ble Wm. H. Seward

Secretary of State.

our most worthy Consul Mr Seward. This it appears may be done according to the 3d Section of the Articles of Congress affirmed August 18th 1856. where it is provided that if the President "shall think the Public interests will be subserved by appointing to any such port or place a Consul general instead of a Consul or Commercial Agent - an appointment shall be made accordingly."

The reasons for doing it in this case are so obvious that I am sure nothing more is necessary than to call the attention of the President to them, to secure early and favorable action.

I have the honor to be,

Sir,

Your obedient Servant,

Anson Burlingame.

Rec'd 26 Aug. Answd

Submitted for perusal to P. M. Gent 26th Aug

Shanghai, May 22d, 1863.

Sir,

Since I wrote you in December last respecting the subject of overcharge in postage on letters from China to the United States, I have received a second letter from the Postmaster-general at Hongkong, a copy of which I annex for your information and that of the Postmaster-general at Washington, though it may be that the latter is already in possession of every fact on the matter in question.

I have the honor to be,

Sir,

Your most obedient servant

S. Wells Williams

To the Honorable

William H. Seward

Secretary of State for the United States,

Washington

May 22d

P. S. Your dispatch of March 24th, inclosing one from the Postmaster-general of 20th March, is just at hand; a copy of the latter will be sent to the Postmaster at Hongkong. S. W. W.

[Copy]

(Copy)

No. 295

General Post Office,

Hongkong, 16th April 1863

Sir,

With reference to my letter to you of the 2d December last, No. 507, on the subject of charges being made upon delivery of letters in the United States of America, the postage of which had been paid here, I now have the honor to state, for the information of His Excellency Wm. Burlingame, after reference to the general post-office in London, on the subject, that according to the provisions of the postal convention between England and the United States of America, the two post-offices are mutually bound to deliver to each other, free of all postage, whether packet or inland, letters between the United States and foreign countries, and British colonies, passing in transit thro' the

T. Wells Williams Esq
Secretary U. S. Legation to China
Hongkong

the United Kingdom; and that, consequently, the postage collected in this office on letters addressed to the United States comprises only the rate from Hongkong to England, and the rate from England to the port of disembarkation in the United States.

In those cases, however, where the letters are carried from England by United States mail packets, the sea postage, having been collected in advance, is placed by the British Post-office to the credit of the United States' post-office, so that no charge on that account should be made on delivery.

I would mention that the regulation above mentioned, which requires the British and United States Post-offices to deliver foreign letters to each other free of all postage, was introduced into the Convention at the instance of the United States Post-office; but that there would be no objection to modify that regulation so as to allow of the entire postage being either collected in advance

or

or on delivery, should the United States' Post-office wish to make such a proposal. Indeed, such a modification would be considered by the British Post-office as an improvement upon the present system; as many complaints have arisen in cases where postage has been collected in the United States on delivery of letters which had already been paid by the senders (as they supposed) to destination.

I have the honor to be

Sir,

Your most obedient Servant

S. W. Mitchell

Postmaster-general

No 40.

Rec'd 2nd Sept. Mr Derrick

Ans. No 37

Legation of the U. States,

Peking, May 30th 1863.

Sir,

I have the honor to enclose copy of correspondence marked A. & B. between myself and his Excellency W. A. Bruce, in relation to the unwarranted action of Her Majesty's Acting Vice Consul in Formosa, Mr Brannt.

I send also my request marked C to Mr Carpenter, our Consul at Foochow, that he will pay the sums thus incurred and charge the same to the Government.

I send also marked D my thanks to the Baron de Montens for his noble conduct in rescuing the Captain and his wife.

Trusting my action may meet the approval of the Government.

I have the honor to be,

Sir,

Your obedient Servant,

Anson Burlingame

Hon'ble Wm H. Seward.

Secretary of State.

Washington

Copy.

British Legation,
Peking, May 29th 1863.

Sir,

In a despatch from Her Majesty's Acting Vice Consul in Formosa, Mr Braune, he reports to me the steps he had taken to recover the crew of the "Lucky Star" an American ship which had been wrecked on the island. Five American sailors were brought to the Consulate by the natives, upon whom, in consideration of the kind treatment they had shown to the foreigners, Mr Braune bestowed a gratuity of 12 Dollars. He further applied for some soldiers, whom he despatched with the Consular linguist, to search for and recover the remainder of the crew.

Their search was unattended by success, but he gave them 3 dollars as a reward for their exertions.

I am glad to say that the Captain and his wife were eventually recovered through the exertions of the Baron de Meritens, though not until they had met with harsh treatment, and had been obliged to pay a considerable sum of money for their release.

I have written to Mr Braune to approve entirely of his proceedings in the matter of these shipwrecked

The Hon^ble
A. Burlingame.
&c &c &c

shipwrecked men and in reply to a suggestion to that effect, I have authorized him to disburse small gratuities in all cases where foreigners are well treated by the natives, irrespective of the nationality to which they may belong.

I believe that, hitherto, Your Excellency has not appointed any American Consular Agent in Formosa.

I have &c
(signed) Frdk W. A. Bruce.

Copy. B. Legation of the United States,
Peking, May. 30th 1863.

Sir,

I hasten to reply to your despatch of May 29th in which you inform me of the humane action of Her Majesty's acting Vice Consul in Formosa, Mr. Brame, in rescuing the crew of the Amn. ship "Lucky Star" & of your approval of the same.

I am but too happy & relieved your approval and & request you to inform Mr Brame that his conduct is warmly appreciated by me and that I shall take the earliest opportunity & bring it to the attention of the Govt of the United States and to me am I of the approval of that Government that I shall instruct the U. States Consul at Foochow & reimburse at once the expenses incurred on behalf of American citizens by Mr. Brame.

I shall take similar action in relation & the noble conduct of the Barque Meritens.

To you, Sir, I wish & return my special thanks not only for your approval of the conduct of Mr Brame in this particular case but for the instructions you have given him as a guide for his future conduct.

I hail this action of yours as a practical illustration of the benefits of that Co-operative policy which Your Ex. has done so much to inaugurate in China.

I have &c
(Sd) A. Burlingame

To
His Ex.
The Hon.ble Sir Fred.k W. A. Bruce.
&c &c &c

Copy

6

Legation of the United States,
Peking, May 30th 1868.

Sir,

I send you the correspondence between the British Minister and myself in relation to the action of Her Majesty's Consul at Formosa Mr Brame.

If the Government shall not approve of the payment of the small sum of money named when charged in your accounts, I will pay it myself.

Be so kind as to read the letters to the Baron de Mentens.

I have the honor to be,
Sir,
Your obedient Servant,
Anson Burlingame

W. H. Carpenter Esq
U. S. Consul.
Tamsui.

Copy.

Legation of the United States,
Peking, May 30th 1863.

Sir,

I have learned through a despatch from Sir Frederick Bruce of your noble conduct in rescuing the Captain of the "Lucky Star" and his wife from their perilous position on the Island of Formosa.

Permit me to return you my sincere thanks and to inform you that I shall call the attention of my Government to your Conduct and recommend it for imitation to all officials.

I have the honor to be,
Sir,
Your obedient Servant,

Anson Burlingame.

Baron de Mentens.

No. 111. Rec'd 2nd Sept. W. Seward

Legation of the United States,
Peking, June 11th 1863.

Sir,

Perceiving in the English papers, by the last mail, that numerous steamers, now building in England, were said to be for the Emperor of China, I felt it to be my duty at once to enquire of Prince Kung what truth there was in these statements.

He informed me that eight steamers most of them very small, had been purchased that these constituted what is called the Osburn Flotilla and were all that had been, or would be, contracted for.

These he said all left England sometime since and were now expected in China.

He could not give me their names but I will ascertain them, and acquaint you by the next mail.

I have the honor to be,

Sir,

Your obed't Servant,

Anson Burlingame

Hon'ble Wm. H. Seward.

Secretary of State.

No 42.

Recd & Repd Mr Derrick

Legation of the United States.
Peking, June, 20th 1863.

Sir,

In despatch No 18 of June 2d 1862. I had the honor to write "If the Treaty Powers could agree among themselves & the neutrality of China and together secure order in the Treaty ports and give their moral support to that party in China in favor of order, the interests of humanity would be subserved."

Upon my arrival at Peking, I at once elaborated my views and formed, upon comparing them with those held by the Representatives of England and Russia that they were in accord with mine. After mature deliberation, we determined to consult and co-operate upon all questions. The first practical question arose when the Regulations for trade on the Canton River were to be considered. To these we agreed.

The 2d in relation to Genl Burgevine (of which I shall write in a separate despatch)

The 3d had reference to the doctrine of

The Hon'ble Wm H. Seward
Secretary of State.

of concessions in the treaty ports the fourth relation to Municipal Regulations for Shanghai, of the 3d & 4th I have already written. The 5th to demand of the French Government in Yedo.

Since our agreement thus to act together, the French Minister Mr Berthemy has arrived and entered most heartily into the policy of co-operation.

Preliminary to entering into these Co-operations, I held it to be my duty to ascertain the ulterior purposes of the treaty powers having by position and trade, a leading place in China.

I found Mr Balluseck the Russian Minister prompt to answer, in the spirit of the Russian treaty, that his Government did not desire to menace at any time the territorial integrity of China, but on the contrary wished to bring it more and more into the family of nations, subject in its relations with foreign powers to the obligations of international law. That he was but too happy to co-operate

in

in a policy which would engraft western upon Eastern civilization without a disruption of the Chinese Empire.

With Sir Fred^k Bruce, the British Minister, my conversations were elaborate and exhaustive.

I said to him frankly that we represented the first trading powers here, and that our interests were identical and I was ready, not only from individual desire, but because of the wishes of my Government to co-operate with him.

He met me in a large and generous spirit and said that he had ever desired to co-operate with the other treaty powers, and pointed out in his despatches to his Government the evidences of such desire, and expressed his delight that the Representative of the United States should hold views so coincident with his own. I said to him that while I paid full homage to the energy of his Government in opening China, and for affording protection to the citizens of the United States still,

L

I felt, looking to British antecedents, a little distrust about the future; that our trade by the way of California was increasing, and I felt anxious about its future condition.

I illustrated my views of distrust by reference to the controlling influence of the British in the Eastern Seas and in the pretensions set up by his Countrymen in the Treaty Ports in favor of territorial concessions.

He agreed with me that the sensitiveness was natural, and replied that he would be pleased to remove from ground for it.

He said that circumstances, more than design, had given the English the ~~seeming~~ control of affairs at the Treaty Ports; that in the first place, the English trade was very large, and besides, from long connexion with the East, many of his Countrymen had acquired knowledge of the Chinese language, and when persons were wanted, it was natural that those most qualified, in that respect,

Would

should be selected. He pointed out that long ago he had recommended that the Custom House should be put upon a cosmopolitan footing, and that Mr Lay, who was at the head of it, had endeavoured to carry out his views. I must admit that in this, he was right.

I was applied to by the Chinese through their employee Mr Hart, then at the head of the customs, for Americans to fill places, but I could not find any who had studied Chinese.

One of the first places in the Chinese Service, was tendered to our Consul Mr Seward, but he could not accept it, he thought, with justice to his own Government. If we had had a school for interpreters our proper influence would have been far greater than it is now. Besides the English have been compelled to defend the Treaty ports without any assistance from us, and we have enjoyed the fruits of that protection, but in the face of these obvious facts Sir Frederick admitted that it was

not

not in the interest of England to hold a position which gave her no special privileges, and subjected her needlessly to the criticisms of the other treaty powers, and therefore he was willing to have any arrangements made by which she would not be put in a false position.

He did not wish as far as he was concerned, that English officers should lead against the Taipings.

He preferred that the Chinese should employ for purposes of drill and discipline men from the smaller States of Europe, and that I might rely upon it that if he would do all he could to relieve England from the charge of being the "great bulk" of the East; to relieve her "from the dilemma of being forced by local clamor to commit acts of violence, which though in accordance with past usage, and perhaps justified by our (their) former situation, do not fail to jar unpleasantly on the conscience of England and of the civilized world." The force policy

was

was wrong and he was certain that his Government had had enough of war brought about through hasty action of men in the east not under the sway of large ideas. He was for a change of policy. To show me that he did not wish to have an English officer at the head of the Ward force, he showed me that he himself had urged the appointment of General Burgevine an American. A fact I did not know when I wrote my despatch No. or I should have given him the credit which was his due. And when Governor Li and Takee conspired to put Burgevine out of the force (of which I shall write fully) I must say that the most determined man for his restoration, was Sir Frederick on the broad ground that it was not good policy to have an English man at the head of that force. When I raised an objection to the so called Concessions and presented my argument against them

them, he fully Concurred with me and deemed the whole doctrine as dangerous and to stop all pretensions on the part of his people, he wrote those very able letters to his Consul at Shanghai, which I sent in despatch No.

In all our conversations, he with great force, urged the adoption of a Co-operative policy in China, and as the representative of the largest trading power here said that he was willing to lead in a liberal direction. Indeed so striking were his views, and so in contrast to what had hitherto been the English policy, and so in accordance were they with the policy strongly urged by me before I came to Pekin, that I expressed a warm desire that he would present them to his Government that they might be the basis of our future Co-operation.

He accordingly wrote the powerful despatch, marked A, which he communicated to me for my private use and which, with his permission, I send to you Confidentially, with the most positive request that it is not to appear until

it

it is first published in England.

Upon this frank avowal of the policy of England, it would be impossible to repress Co-operation. The Russian Minister and myself both concurred in the view, that the position of Sir Frederick was just what we desired and we hailed with delight its avowal. The French Ministers Mr Bertheny agreed with us.

Being a broad and experienced statesman, he at once saw the advantages that would flow from the casting down of all jealousies and by a cooperation on every material question in China.

Indeed he has realized largely the advantages of such action. The French change de affairs before him - acting upon the old school policy of antagonizing everybody - thus causing the Chinese to believe that we were divided among ourselves - for one year failed to get justice from the Chinese Government, where it was due, in a case in which we were all interested.

The case was briefly this. A French priest with a Passport was put to death,

with

with circumstances of unusual cruelty, by a high Chinese official in the Province of Szechuan, satisfaction was demanded but no result obtained.

The moment Mr Berthemy came, he frankly communicated the facts to his colleagues, who made common cause with him, and in a few weeks this question menacing war, under their arrangements was settled, to the credit of Mr Berthemy, and in the interests of the all treaty powers.

The policy upon which we are agreed is briefly this. That while we claim our treaty right to buy and sell and hire, in the treaty ports, subject in respect to our rights of property and person, to the jurisdiction of our own Governments, we will not ask for, nor take, concessions of territory in the treaty ports, or in any way interfere with the jurisdiction of the Chinese Government over its own people; nor will we menace the territorial integrity of the Chinese Empire. That we will not take part in the internal

struggles

struggles in China beyond what is necessary to maintain our treaty rights - that the latter we will unitedly sustain against all who may violate them - To this end we are now clear in the policy of defending the treaty ports against the Taipings or rebels but in such a way as not to make war upon that considerable body of the Chinese people, by following them into the interior of their country - In this connexion while we feel desirous from what we know of it, to have the rebellion put down, still we have become to question the policy of lending Government officers to lead the Chinese in the field for fear of complications among ourselves, growing out of the relative number to be employed &c; that while we wish to give our moral support to the Government, at the present time the power in the country which seems disposed to maintain order, and our treaty rights we should

prefer

prefer that it would against its own people, as far as possible for its own defence, taking any foreigners for instruction, in the arts of peace and war and these as far as possible from the smaller treaty powers.

To maintain the revenue laws of the Government, to relieve the treaty powers from the burdens attending the suppression of piracy along the coast. The Chinese Government has been persuaded to purchase several small war steamers and to man them temporarily with foreigners. This fleet is coming out under the command of Sherard Osborne and is manned chiefly by English sailors.

With the understanding that it is a temporary arrangement, and that it too is to become Cosmopolitan, and as the idea that we are to cooperate upon all question in China, no special objection is made to the force by the other treaty powers. I confess that I should be pleased, were it now Cosmopolitan as was, but it was arranged before I came out and before the above policy

was

was developed and agreed upon.

While Sir Frederick Bruce shall remain, or while the policy so agreed upon shall be maintained no harm can come from it.

That the indemnity may be collected and accounted for, and that the Chinese Government may have a fund to maintain a national force, organized upon European principles, that the local authorities may be checked in their corrupt practices and a uniform system for the collection of the Revenue maintained. It is agreed on all hands that the present foreign Customs House system is the best as yet devised, and as it has been administered by Mr Lay, entitled to our support.

Indeed it is alone through such instrumentalities that we can hope to advance the cause of civilization in China. As Sir Frederick states there can be nothing more unmeaning than antagonism between the United States and Great Britain in China.

I need not attempt to prove the advantages which must flow from Co-operation. That we should do so all must admit.

By the forced nation clause of the treaties, no nation can gain, by any sharp act of diplomacy any privilege not secured to all.

The circumstances conspire to make this a fortunate moment in which to inaugurate the co-operative policy.

The Treaty powers are represented here by men of modern ideas. by men who in this land, where every thing is to be done, do not choose to embarrass each other by sowing distrust in the chinese mind, but who with an open policy, and Common action deepen each others confidence and win the respect of the Chinese. That the too sanguine hopes in relation to China of our more advanced civilizations may be fully realized by any action we may take, might not to be expected. The peculiar people we are among must be remembered. How heavy is their civilization

civilization and how proud they are, and how ignorant of us they have always been - and how little their knowledge of, some of us has tended to create in their minds a desire for a change - their Government is good in theory but not now well administered - the people are free to license and, as in our own country, we find a portion of them in rebellion, because they have felt too little the influence of the Central Government -

The trouble here, now, is that we are dealing with a Regency, which in a few years must hand over its doings to the Emperor and those he may call around him. The Regency dare not depart in the smallest particular from the old traditions and yet these will not do for these times - they are distrustful of us and are afraid of their Censors and distant local Authorities - Besides there is a large anti foreign

party

party here. There are members of the foreign board who, if left to themselves, would at once place China in perfect international relations with us, but dilling with them are spies, who paralize them and force them in their actions with us, to fall as they frequently do, far short of their promises. In their weakness, they resort to temporizations to such an extent as to invite menace and to cause us, in our passionate moder, almost to despair of holding, with dignity, any relations at all with them. Our only hope is in forbearance and perfect union among ourselves - if these are maintained and our Government sustain us in the policy we have adopted, I cannot but be hopeful of the future and feel that a great step has been taken in the right direction in China.

I have the honor to be,

Sir,

Your Obt. Servt

Anson Burlingame.

A

Peking,
15th January. 1863.

My dear Lord,

In my semi-official letter of the 11th of December, I had occasion to expose to Your Lordship my views as to the beneficial effects on our future relations with China that may ensue from the residence of a Minister at Peking, if access to the Imperial Government be properly turned to account.

To the want of a real recognition of Treaties at Peking to the chaos produced by the obstinacy of local authorities in refusing to admit the rights of foreigners and by their inability to assert the rights of the Chinese and to the impossibility of appealing to the Central Government against the acts of the local authorities, I traced the violent measures occasionally resorted to by Her Majesty's Agents in China in vindication of the rights of Her Majesty's subjects; measures, which in most cases were forced upon them, but which, just

The

or

Earl Russell K. G.

&c &c &c

or unjustly exposed them and the Government that supported them to severe criticism not only in foreign countries, but in England itself; measures moreover, which exercised a prejudicial effect on our position in China, both by confirming the Chinese in their distrust of us, as of a nation prone on all occasions to resort to force, and by encouraging foreigners to treat the authority of the Chinese Government with contempt, and to show no consideration for the feelings and prejudices of the Chinese people. I ventured also to state, that without direct access to the Government at Peking increased commercial privileges in China would prove only increased causes of misunderstanding, and war, that they entailed on Her Majesty's Government the necessity of augmented forces in these seas, that if we were unable to impress on the Government at Peking the benefits China and her Government derive financially and commercially from increased trade, the Imperial Government would

remain

remains as hostile as ever to the new condi-
-tion of things created by the treaties, and
that we should have no guarantee for
their faithful observance beyond what was
afforded by the weakness of the Chinese
executive; while in that weakness, is
to be found the principal source of the
anarchy that is consuming the resources
of China, menacing its integrity as an
Empire, and exposing our vast interests
in this country to the most serious danger.

As the first step to an improved
state of relations with this Government, and
as a practical proof, which they are able
to appreciate, of the advantages of a more
friendly and intimate intercourse with
foreign nations, I proposed, that we should
boldly carry out in practice the views
which guided Her Majesty's Government
in insisting on diplomatic representation
at the capital, and that we should
make the Chinese Government feel, that
the result of our presence here, if they
act fairly by us, will be, to put an
end to irregular and violent proceedings,

to

to introduce a peaceful mode of
settling our differences, to strengthen
the hold of the Imperial Government
on its' provincial authorities and to
maintain its' prestige in the eyes
of the people. To achieve this
end it is necessary that our policy
in China should be materially changed.
We should seek, by taking advantage of
the wish of the Chinese to employ foreigners,
to infuse vigour into the Chinese Executive
instead of persisting in weakening it,
and we ought to show that we treat her
as a Sovereign Power, by seeking redress
from the Government for abusive acts
committed by her local authorities =
Her Majesty's Consuls should be prohi-
bited from employing force in such
cases and should be confined to their
legitimate province of protecting British
interests by remonstrance, and if
necessary by protest. The Naval
Commanders should not interfere,
except on requisition from Peking,
unless the lives and properties of British

subjects

subjects are endangered by violence.

We should act as if we assumed that the Chinese Government is desirous to observe the Treaty, and to afford redress when appealed to, and as if we were sincere in our language, when we urged upon China the acceptance of diplomatic relations at Peking, as indispensable to peace and good will, and as sufficient to insure those advantages. I do not admit that China is a moral monster, and that her Government is insensible to those considerations partly moral and partly selfish which induce nations as well as individuals to observe generally good faith in their dealings with each other. Should such unfortunately be the character of her people and Government then no Treaty will be binding, and no peace permanent.

This policy however is recommended by considerations of even greater moment. I understand that Her

Majesty's

Majesty's Government wishes the integrity of
this Empire to be preserved; that China should
belong to the Chinese whatever family be on
the throne. Late events in these seas
show that China is exposed to danger in two
ways. A Missionary may be killed, satisfaction
may be refused, an expedition may proceed to
avenge the act, and a province may be seized
and ultimately annexed as a penalty and
as compensation for expenses incurred. Such
is the history of events in Cochin China and
this country is a far more tempting theatre
for such exploits. Or a powerful neighbor
found its frontier inconvenient and its
communication with the coast imperfect.
An ambitious Governor General without
positive instructions but calculating on
a favorable interpretation by his Government
of his acts, knowing moreover that no
channel existed by which a formal
protest could be transmitted from Pekin,
while no serious material opposition was
to be dreaded had only to organise a force,
and occupy the coveted territory by posts.
He then treated the occupation as a fait

accompli

accomplis and by means of pressure and cajolery, induced the Chinese local officers, who felt that they would be held responsible for what they could not prevent, to use their influence to have it sanctioned by Treaty.

Such is the resume of what took place on the Amoor and the Ussuri Rivers.

The Russian Government could say, and I believe with truth, that General Mouravieff had his instructions to undertake the armed expedition down the Amoor, which resulted in the treaty of Aigoon. But the absence of diplomatic intercourse (the ecclesiastical Mission here having no political character) relieved her from the necessity of declaring herself on the subject and enabled her to secure the spoil by ratifying the Treaty, while ignoring the measures which led to it.

I am convinced that Russia contemplated with little satisfaction the residence of foreign Ministers at Peking.— In my despatch No. 89. of April 7th 1860. Your Worship will find enclosed an article from the "Abeille du Nord"

Nord" advocating the policy of ignoring altogether the Peking Government and dealing with each Governor General directly in matters affecting his jurisdiction. General Ignatieff recommended that I should not remain at Peking, as I wished to do, on my arrival here at the end of 1860. and when he left a month later himself, he used language to the Prince of Kung, as reported in my despatch No. 196. of December 2d 1860. from which it may be inferred that the Russian Government would not have been displeased had Her Majesty's Government consented to waive that right. I can perfectly understand without imputing to her any defined scheme of aggrandisement at the expense of China, that she thought it more convenient to be able to arrange border questions affecting territory and trade à la Mouravieff without being called upon to avow and justify before Europe in the face of the protests of China, the steps by which the arrangements

were

were effected. Her dislike to residence at Peking affords hope that the presence of foreign Ministers at the Capital will be a not unimportant check on such proceedings. For China must rely more on the moral support she will derive from a recognition of her rights as a Nation than on material defences.

To use language to her Government which would encourage her to attempt an armed resistance against the pretensions of Foreign Powers would be only to precipitate her into the abyss, for I do not anticipate as probable or even perhaps as desirable, such a development of her military force as will enable her to face with success a European antagonist. But if, by leading the Imperial Government to recognise its liability for the acts of its provincial authorities, and by setting ourselves the example, which others will follow, of resorting to Peking for the redress of grievances, we bring China within the pale of Nations, and give her the benefits, while we exact the obligations consequent on her recognition as a State, I think the Empire will be less exposed to

danger

danger from such occurrences as I have alluded to above. In cases in which the Chinese are in the wrong, the representatives of friendly Powers will be listened to, when they point out the danger of not satisfying a legitimate demand. On the other hand, it will be far more difficult to bring forward extortionate claims than it is at present, when a Consul or a Naval officer decides on a sum to be demanded as compensation for an unjust loss and enforce the payment by seizing junks or by threats of bombardment; and the system of gradual encroachment by Russia will be checked, for it will be at once protested against at Peking, and Russia will be called upon before the civilized world to justify or disavow the proceedings of her Governors.

I am pretty confident that the interests of her Siberian frontier, and of her trade, will make Russia hesitate before coming to a formal rupture with China; and I account for her indisposition to enter into permanent diplomatic relations at Peking, by a feeling on her part that they will prove an obstacle to the facilities she has hitherto

hitherto enjoyed, for arranging questions to her liking without the difficulties and delay of Chinese negotiation, and without actual war.

The incompatibility of a Minister at Peking, and of arbitrary acts on the frontier, has already made itself manifest. M. de Ballugeek informs me that bitter ill the neighbourhood of Kiachta, and on the right bank of the Amoor, the Russians have been guilty of some trifling encroachments, complaints have been made by the Chinese local officers at Peking, and the foreign Board has formally remonstrated against them. M. de Ballugeek himself concurs fully in my views as to the policy to be observed here, and I know that in his despatches to the Russian Government he has maintained that China ought to be treated as a Nation, capable of entering into Treaties, and entitled to expect their observance, that good faith ought to be kept with her, and that in all questions, territorial as well as fiscal, her rights as a Sovereign State ought to be respected. He is a person of honorable mind and of large sympathies; he feels I

am

am sincere in these views, and I pursue this course in the face of much clamor and opposition on the part of my countrymen, and he must be inclined to think me right, when I state with equal frankness, that Her Majesty's Government desires to preserve this Empire intact, but that if the territory of China is not respected by them, it is determined and able to assert the rights our great interests give us in the most productive provinces of China. In accordance with these sound and just views, he has therefore abstained from justifying these illegal acts, and has remonstrated with the Russian Governor against them. This course is not palatable to them, and I see that he has some doubts as to the support he will meet with at St. Petersburgh.

He has been blamed for the refusal of the Chinese to grant certain trading privileges which General Ignatieff represented as having been obtained, but which rested if conceded at all, on a mere verbal understanding; Monsieur de Balluzeck however says with truth, that the Chinese will not go beyond the letter of the Treaty, that the privileges claimed are not contained in it, and that the Russian Government is

indisposed

indisposed to assert them by force, the only mode which would be effectual.

He expressed to me a hope that publicity would be given to such documents as show that Her Majesty's Government is decided in treating China as a Power with which it is possible to enter into international compacts, and from which redress for violations of treaty will be sought at Peking, and by such methods as can be justified on the admitted principles of international practice. He says that it will have considerable weight with the Russian Government, and from he has told me of Baron Brunnow's sentiments, it appears to me that the Emperor of Russia might hear with advantage through him of the accord that prevails in China between the Russian, American and English Representatives on this point.

Mr Burlingame entertains not only on this subject the same general views (where identity of language not unfrequently veils considerable divergence of practice), but he holds the same opinions in matters of detail, such as the rights of the Chinese

Custom

Custom House, the manner in which redress for illegal acts is to be sought, and the distinction that is to be observed when we have to exact the observance of treaties, and when we endeavor to obtain some privilege which is beyond treaty. — He urges strongly the importance of taking advantage of the access, finally obtained, to the Central Government to place the relations of the outer world with China on the same footing as those which prevail between equal and independent States. — He considers that union among the great trading Powers will be sufficient to protect their interests from injury, while a recognition of the rights of China as a State, will tend to secure her from the risks she is exposed to, in consequence of the doctrine, too generally received, that China is so exceptional a country that she may be exempted from the benefits, though she is held to the responsibilities of international law. — He insists that this opportunity unique as the commencement of a new epoch in China's history, and unusually favorable

favorable from the coincidence of opinion among the Representatives of the Powers chiefly interested in trade, should not be allowed to escape, for the peace of the world, and a vast commerce will ere long be endangered if the rights of China as a Nation do not meet with such a recognition as will lead to their being respected in practice. — Mr. Burlingame has given a practical and spontaneous proof of his intention to recognise the rights of China and of his wish to act in union with me in the course he has pursued with reference to the Yangtze Regulations. He might have held back, and left it to me to face the clamour of those whose hopes were excited by the unfortunate proclamation of the Admiral and Mr. Parkes, and who have been disappointed by its subsequent limitation. Had he done so, and not given his adherence to the revised regulations, it is not unlikely that Americans and others would have set them at defiance, and serious disasters both to China and to trade

trade would have taken place on the Yangtze
River. But having satisfied himself
that the Chinese Government had the right
to prescribe them, and that they contained
no limitation of the proposals made to
and accepted by the Prince of Kung,
he declared them formally binding on
American citizens, and thereby gave a
proof of his determination to act faithfully
by the Chinese Government and of his
sense of the benefits to be derived from
a concert in the commercial questions between
the Representatives of the United States and
Great Britain.

In the broad just and humane
views of policy entertained by my colleagues
I entirely concur. I think our residence
at Peking will enable us to carry them out
without danger to our interests. The union
of nations interested in trade will supply
the place of that brute force on which
hitherto we have relied for the vindication
of our rights and for the extension of our
privileges. The common concert of
these Powers is a great element of success,

for

for I know the difficulties we have to overcome, and its prospation as I wish to see Great Britain relieved from the necessity of maintaining a large squadron in these seas, to teach the Chinese to put down pirates on the water, robbers on the land, and to protect the Ports, in short, to do for themselves what for twenty years we have been doing for them, so do I attach the more weight to this Common Consent, as an engine of peaceful progress, and as a security for our Common rights. Nothing can be so unmeaning as an antagonism between the Representatives of the United States and of Great Britain in China, and I know nothing so likely to reduce slight differences to their real value, as the consciousness that they are embarked in a great and beneficent policy of which the successful issue will be a triumph due to the exertions of both. As an instance of this good result I may mention that Mr Burlingame told me that when he arrived on the Coast, he was urged by many of his countrymen to oppose the introduction of a foreign

a foreign element into the Customs House, on the ground that it was designed to give England an exclusive influence in China, and to create an instrument that might be made use of in certain contingencies for ambitious purposes. Fortunately Mr Lay had followed my advice in constituting this body on a cosmopolitan principle, giving to each foreign nationality a representation proportioned to the importance of its trade.

This fact together with the inability of the objectors to suggest any Customs House system which would work without foreign aid induced Mr Burlingame to pause, and not to commit himself to supporting the views of these interested opponents — But he is desirous Your Lordship should know, that he looks upon this establishment, and upon the organisation of a steam flotilla under foreign officers with a far more favorable eye since I have had the opportunity of stating to him what I believed to be the policy Her Majesty's Government wishes to see carried out in China and of explaining in detail the manner in which I think that access to the

Imperial

Imperial Government at Peking combined with the increased honesty liberal views and practical energy infused by foreign aid into important branches of the Chinese executive, can be made to contribute to the restoration of peace, and to the development of industry and trade.

The experience I have had at Peking points to the conclusion that though the local authorities sometimes throw obstacles in our way, and the disturbed state of the country gives rise to acts of which we have reason to complain there is no disposition on the part of the Government to deny us the exercise of treaty privileges.

It will be the less disposed to do so, if, as Mr Burlingame and I propose, we come to an understanding on all general questions connected with treaties, and support each other when they are under discussion. It is true that the poverty and weakness of the Government do render it slow and unwilling to grant redress where heavy pecuniary claims are brought against it. But it appears to me, that the fact of pecuniary demands being disagreeable to it, points out that punishment for violations of treaty ought to be inflicted in this form, and will be

more

more effectual as a preventive measure, than the destruction of junks or acts of violence, by which the Government suffers rather in its dignity than in its pocket. The individual claimant will incur more delay in obtaining redress than he does at present, but this delay is by no means an unmixed evil, for it tends to beget a more conciliatory spirit and greater prudence on the part of the Merchants, while the interests of foreign trade, viewed as a whole, which depend not on the redress of this or that particular grievance, but on the establishment of a satisfactory system for the conduct of trade in China, and which seek to be relieved from the anxiety and uncertainty caused by the hand to mouth system of faulty expedient, by which we have hitherto attempted to redress as they were felt the inconveniences arising from a vicious and imperfect administration, will be far more effectually promoted.

I fully admit however that the mere presence and concert of foreign Ministers at Peking is not a sufficient protection in itself

itself for our interests. We might succeed in impressing juster ideas with respect to foreign intercourse on the central Government, and yet owing to the weakness and imperfection of the Chinese Executive, foreigners and their trade might still be exposed to serious jeopardy. Such has been the state of things on the Yangtze River, where the obstinacy of Provincial authorities has hampered us in the exercise of our treaty rights, and where the undisciplined "braves" levied by the Government, and the piratical junks hired by it for its defence have been guilty of acts of violence and outrage on foreigners as well as Natives. I should not have objected to our occasionally taking the law into our own hands, had the proceedings been marked by more circumspection and moderation. But I do object most strongly to naval officers taking upon themselves to burn or destroy vessels without any proper investigation, merely because they are armed, and a Chinese Cabin-boy says that they are "not good", and I trust that Her Majesty's Government will point out to naval officers that

that though under exceptional circumstances it might be justifiable to seize a suspicious vessel and bring her into Port for examination, they are not justified in destroying junks unless caught flagrante delicto, or unless a competent Chinese authority has requested aid in destroying them as Pirates.

Although however it might be necessary to use force, if the Chinese Administration in the provinces were to be carried on, as heretofore, still the recourse to it is in the long run most prejudicial, for it is in the nature of things, that force which is not resisted, will be abused, the example thus set will be copied and ont done, the moral influence of the Minister at Peking weakened, and the popular impression on the coast strengthened, of the hopelessness of dealing with China as a State, when it is seen that even access to its Government does not relieve us from the necessity of resorting to these irregular proceedings.

Here then are the vices of Provincial administration, which render it unequal

to

to deal with the foreign problem, that is, to grant us the exercise of treaty privileges and to restrain us within their limits to be remedied? How are the Chinese to be taught to organise forces which will be strong enough to suppress anarchy on the territory and in the waters of China without exposing ourselves to find in these forces almost as great a source of danger to foreign and native industry and trade, as the anarchical elements they are intended to put down.

Upon this point I can state without hesitation that there is no difference of opinion among the Representatives of Foreign Powers at Peking. They have unanimously urged the Prince of Kung as the only hope for China, to make use of foreign instruction and aid.

1. In organising an efficient Custom house system, which will secure for China her rights, while it respects the rights of foreigners, and which will realise for the Government a revenue sufficient to pay off the indemnities, and to provide

a fund for the wants of the Imperial Government.

2- In drilling Chinese troops, so as to give to the Government a properly equipped land force, which will render it independent of its present undisciplined militia.

3- In organising a small steam flotilla to be substituted for the piratical junks it is at present obliged to hire for its defence. Whatever progress has been made in this direction is due mainly to the influence Mess^rs Lay and Hart have acquired with the Prince and his advisers, through their management of the Custom. Without the assistance of men imbued with European ideas of administration and in the service of the Chinese, the policy sketched in this letter could not be carried out.

It is very satisfactory to me to find that all now recognise the value of this instrument which for three years I unflinchingly supported single handed against the assaults of foreign communities, and against international jealousies, from the conviction

conviction that without it our clauses would be small worn at Peking of affecting any improvement in the state of affairs in China.

If we succeed in persuading the Chinese to improve their Executive in the three departments above specified, I trust so to strengthen its Government, as to make its action felt throughout the Empire, while the presence of foreigners and the infiltration of foreign ideas into its administration will prevent its newly acquired energy from being directed so as to interfere with our Treaty Rights. On the contrary our privileges when mutually beneficial will be extended without difficulty, for I think the aversion to extended intercourse with foreigners is due principally to fear and conscious weakness.

It is of importance that the steam flotilla as well as the Custom House should be constituted on a cosmopolitan footing as the jealousies of the Chinese and of foreign Powers will be thereby diminished. Besides no contingency is it desirable that these services should be disorganised and therefore I do not consider that their ranks should be filled too exclusively by subjects of the great maritime

Treaty

Treaty Powers, between whom and China questions are most likely to arise. I shall recommend that they should be recruited from among the Northern Nations of Europe, where good officers are to be had at a cheap rate.

In conclusion I have only to impress earnestly upon Her Majesty's Government the necessity of deciding in favor of, or against this line of policy as a whole. Many persons looking at the state of China will consider it Utopian. Upon this I may observe, that if the embarrassments of China under its present doubtful, on the other hand I find in these same embarrassments the only motive which is strong enough to induce this Government to adopt so comprehensive and startling a Reform.

If Great Britain by boldly and openly adopting and avowing this policy makes use of the influence she has acquired in China for the benefit of China as well as of our interests, if she confines her action within the limits of what is justifiable on international

principles,

principles, and if she is content to seek for redress patiently by the weapons of reason and discussion, she will set an example which other nations can hardly disregard, and her agents in this Country will be relieved from the dilemma of being forced by local clamor to commit acts of violence, which though in accordance with past usage, and perhaps justified by our former situations, do not fail to jar unpleasantly on the conscience of England and of the civilised world. Should the experiment be fairly tried and not succeed it will be time enough to pursue a different course; its necessity will then have become manifest to all and she will have no reason to blush for, however much she may regret, the failure of this attempt to bring this vast Eastern population into harmonious contact with the enterprise and pushing Spirit of Western Nations.

(signed) F. Bruce.

No 43.

Rec'd Sept 6 McCormick

Acknowledged
Complimentary
and grateful
Mr

Legation of the United States,
Peking, 21st June, 1863.

Sir,

I have the honor to submit the correspondence between Col. Bulluzeck, the Russian Minister and myself on the eve of his departure for St. Petersburgh.

The cordiality of the relations it discloses will I hope not be distasteful to the Government.

I have the Honor &c
Sir,
Your Obd't Servant

The Honorable
Wm H. Seward
Secretary of State.

Legation of Russia
in China.

Pekin 1st June, 1863.

Mr Minister,

I have the honor of announcing to you that his Majesty, the Emperor, my August master, having designed to accord me authority to return to Russia. I leave that day, my post of Representative of his Majesty in China, and that Mr de Glinka, Secretary of this Legation, remains Chargé d'affairs of the Emperor, at Pekin, until the arrival of my successor.

Permit me to express here, the hope that your Excellency will continue to accord to Mr de Glinka the same regard that I have constantly received from you and to manifest the wish that you may be well persuaded that the remembrance of the amicable relations which have not ceased to exist between us, will always be precious to me.

I desire earnestly, that our personal connections, in losing their official character, may not be entirely broken; and it is in this thought, that I renew, Mr Minister, the expression of the very high consideration, with which I have the honor to be

of Your Excellency

the very humble & very obt Servant,

(s'd) L. De Ballyreich

Legation of the United States,
Peking, June, 2d 1863.

His Ex.y Col. Ludolf Bodisco Baltazzi

Sir,

I have the honor to acknowledge the receipt of your despatch of June 1st informing me that you are about to take your departure from your diplomatic post and that Mr. de Gleiken will, as chargé de affairs, remain as your successor. I assure you my dear Colleague that I learn of your departure with regret. Deeply moved by the struggle for liberty in my own country, it was natural, when I came here, that I should eagerly seek for companionship, the representative of that power which has by its sincere and persistent friendship entitled itself to the first gratitude of every American. I found what I expected in the representative of the Russian Empire and more. I found a man deeply appreciative of the causes of our struggle and with strong desire for its removal.

With rare capacity you traced the sympathy of our great nations, to the fact, that at the same time, in different ways, they are moving for the freedom of our fellowmen. My Elder in this difficult diplomatic field I have ever found you a safe adviser. I cannot recall one question upon which we have differed. It has been our good fortune, largely through your influence, to witness a union of the treaty powers in the interest of civilization in the East.

In the presence of an open & fair policy these powers have disavowed any purpose of seeking special privileges and have united in a policy which secures the territorial integrity

H. E. Col. L. de Bodisco Baltazzi

of the Chinese Empire-
not unite-

Of an personal relation I need
They have been unusually intimate,
and to me most gratifying- and I reciprocate most
warmly the hope, you express, that an personal, may
not end with an official, relations-

I have &c

Anson Burlingame.

Private

Receipt acknow 10th Sept.

Mr Dallas

Legation of the
United States.

June 21st 1863

My dear Sir

I send by this
mail, via Russia, a despatch for
which I beg leave to speak your kind attention.
It gives a brief history of the part
taken by me here to secure union among
the treaty powers upon American
affairs. I hope you will sustain the
policy we have agreed to, and do
whatever you can to secure its adoption
by the other treaty powers at home.

The
Hon William H. Seward
Sec. &c.

The Ministers here express a desire that my statement of the policy should at once be published in the United States. Mr Berthemy the F. M. would be particularly pleased—

Speaking of Mr Berthemy, I may without any improper disclosure, state that he yesterday informed me, upon his personal knowledge, that England and France had come to an understanding not to have war, under any circumstances with the U. S.

That to happen it must first be declared

declared by the U. S. He also
stated that Le Roi that the
Intes of France to the United States
were only to satisfy the operations
and not intended to be unfriendly
or to be expected to produce any
result in the U. S. I suppose
all this is old news to you but
as Mr Bertheny is a very intelligent
and honorable man, and has for
a long time past been at the head
of the foreign office in France
I thought his statements might be with
interesting - If you should declare war first
& send out a fast Steamer, pray
under sealed orders -
California

California bonded with firmness for our
Flowers here. I might raise letters
of Marque and compensate ourselves,
for any of the Enemies depredations. but
I hope it may not be necessary.
I have just finished a long discussion
with the Chinese successfully, in relation
to the treatment of Genl. Bonzano.
Any relations with three people need
excellent. Don't I pray you forget to give
the title of Consul Genl. to your stepson,
and signed at Shanghai. Lt Braithwaite
will have Leave to meet the Chinese
Envoy to-morrow. With many sincere
wishes for your good I am Truly Yours
Anson Burlingame

No 111. Rec'd 23d Sept. Mr Dennis

Affairs in China

Legation of the United States,
Peking, June 23d 1863.

Sir,

You are aware from my previous despatches that when Genl Ward was killed, Genl Burgevine the next in command of the force was, through the efforts of Vice Admiral Sir James Hope, Sir Frederick Bruce, the British Minister, and I was sent for and myself, put in his place. The pecuniary affairs of the force under Ward, were not in first rate condition, from the fact that he left them entirely in the hands of the local Chinese officials.

When Genl Burgevine took the command, he undertook to reform its affairs, of the command.

This conduct on his part at once raised the indignation of the corrupt Chinese officials, who had been making money out of the Chinese Government, in the name of the Ward force, and they formed a conspiracy to put him out. He was nominally under the military direction of Gen Li, who ordered him without preparation to attack Nanking. This he could not do, as the authorities would not aid with supplies. At last the men of the force, without pay, became mutinous and threatened

this

The Hon'ble Wm H. Seward
Secretary of State.

Chinese leaders with death. Burgevine kept them together.

Takee whose business it was to supply money failed to do it, but under the fear of the force promised Genl Burgevine that if he would come to Shanghai, he should have the money to pay the force, the money was then delivered to the Genl and he paid the troops with it. but after it was delivered, Takee who is thought to be anything but honest, intending to have a rupture with Burgevine, insulted him in the most gross manner, to such a degree, that Burgevine, though a mild man lost control of himself and struck him. This was all Takee wished. Burgevine was instantly denounced as a robber of public money. a reward of $50,000 Tael was offered for his head, and many Concievable charges made against him, and though the force wished to defend him against these men. he would not permit it, but appealed at once to Peking. Before I learned these facts, I received from Prince Kung a despatch marked A. in which all manner of charges are made against Genl Burgevine. In a short time I received Genl Burgevine's statement with evidence to sustain it covering 40 or 50 pages. I at once had it translated and sent it to the Prince with a letter marked B. in which I did not claim any right to have Genl Burgevine restored to the command, or to interfere

in

in this affair, but expressed the hope that when he shd to examine the facts, that he would not permit one who had so long, and I believed honestly served the Chinese Govmt to be lost to it. That I was sorry he did not wait before publishing his despatch to hear Burgevine's story &c. As to the claim he made to try Genl Burgevine by Chinese law, I utterly denied his right to do so, and informed him that no citizen of the United States could be tried but by the Consul of his Country and according to the laws of the United States.

Genl Burgevine came to Pekin. After a great many conferences with the members of the Govmt, and a great many explanations, the Government was convinced that the General had been wronged and undertook to restore him to the command.

My colleagues became as much interested in his case as I was, and united sustained him.

Sir Frederick Bruce wrote, after a full examination of the evidence, the letter marked C. which disproves the charges which had been made against him. In my interviews I learned that all power in the South along the Yangtsze had been given to Changkwofan, and that Li was a creature of his, and the sum to do was, to restore Burgevine without offending the local authorities.

Authorities. It was then understood that what had been said on both sides should go for nothing, and that I should write a request that Bunguine should be restored, and if restored, that he would try to make things go smoothly - that they would reply in a letter which would "save the faces", as they called it, of the local authorities and that they would send an officer with Genl Bunguine to explain privately to Gov. Li, why the General should be restored. I wrote the letter marked D and they responded in the letter marked E. Genl Bunguine proceeded to Shanghai accompanied by an officer, but upon his arrival, it was found impossible to secure his restoration and the Government to conceal their weakness with their local authorities, tried to cover their failure, by pretending that they had new charges which they made in the despatch marked F. When they found that I would not permit such charges to go unchallenged, and that I required proof of them, they then changed again and in private admitted that they knew Bunguine was innocent, but that they were afraid to do him justice because of the local authorities. I then said if the local authorities were stronger than they were, then I must see them. I only desired to know

When

where the Government of China was. They then said if Genl Burgevine would go to Shanghai and achieve his character from the charges in relation to accounts, they would fulfil their promise. I consented to this. They charged again, and said a witness had arrived who would meet Burgevine face to face and that he need not go to Shanghai. I assented to this but before the day of meeting, they refused to permit Genl Burgevine to meet the witness.

I found that the witness was Seih late Superintendent of Trade at Shanghai, and that he pretended to have new charges. I objected to his proceeding with them in the absence of Genl Burgevine and stated that if he did, I would not remain. He did not proceed, I then found that through their desire to please me, and their fear of change. Worth Fan and Governor Li. they had gotten themselves into a most embarrassing position. I then said to them that as we had discussed the question for weeks, and as I had disproved the charges again and again, that I must insist upon a final interview. that I had no right to require that they should employ Burgevine, indeed that he now utterly refused to be employed by them. but that as an American citizens reputation was

dear

dearer to him than life, it was my right, and my duty, to see to it that the charges which had been disproved to the satisfaction not only of myself, but of all my colleagues, should be withdrawn.

It was agreed at a final interview that if I would disclaim the right to have him employed, and state the charges which had been made against him they should be withdrawn. I addressed to them the letter marked G. to which I received in reply the letter marked H. which so far from withdrawing the charges reiterated a portion of them and made the singular statement that if he were innocent, they would not hurt him &c. I then felt that it was necessary to end the subject by sending a kind of ultimatum which I did in letter marked I. In which I stated that I did not wish to discuss the subject any further, but that if they did not withdraw the charges stated in a former dispatch, within two days, I should take it for granted that the Chinese Government refused to do justice, and should take such action as the case required. In the afternoon of the 2d day I received the letter marked J. in which the charges are all withdrawn. To this I replied expressing my satisfaction in letter marked K. and thus ended this most protracted affair. I do not send you all the papers for they would make a volume, but content myself with this

this

this brief history of the case and with sending only such despatches as illustrate it.

The result is, my relations are better than ever with the Chinese and the whole subject of employing foreigners has been considered by the Legations in Peking and the conclusion arrived at, that we do not think it wise to encourage our people in putting themselves in positions, where they may be subject to the grossest injustice from the Chinese, and become the cause of dangerous complications among ~~themselves~~ our countrymen.

I have the honor to be,
Sir,
Your obed.t Servant,
Anson Burlingame.

A

Prince Kung, Chief Secretary for Foreign affairs; communicates the following.

On the 4th of this moon (Jan.y 22d 1863) a communication was received from Li, the Governor of Kiangsu, in which he states the following - Sometime ago, I ordered the "Ever Conquering Legion" (Wai-mow) to join the Imperial army, and in conjunction with it, be ready for an attack on Nanking. Burgevine had gone to Ningpo, to bring his troops, but unaccountably, did not make his appearance. In the meantime I was informed by Wu, the Taontai of Sungkiang (the Taontai residing in Shanghai) that on the 29th of the 10th moon, (Dcer 20th 1862) he, the Taontai, had brought up some steamers to Chinkiang, intending to wait there until all the troops should be got together, and then start at once, to attack Kiangyin. At that time, Burgevine had already returned from Ningpo to Shanghai, but still refused to obey orders to join the Imperial troops, alleging that he was not well. I then ordered the Taontai Wu and officer Yangfung to come up at once to Chinkiang, with the rest of the steamers. Soon afterwards, I received a communication from Fang-Chwan-Chun, the Prefect of Sung Kiang, in which he states the following: On the 14th of the 11th moon (Jan.y 3d 1863)

(January 3d 1863) Burgevine arrived at Sungkiang, and shut the gates of the city. The Prefect found out the reason why Burgevine did so, was because he had not received the pay due his troops, and that he intended therefore, to pillage the city. The Prefect having remonstrated with him, and promised that he would get, at once, the pay due his troops, he returned to Shanghai.

It turned out, in fact, that his troops had received their pay, up to the 9th moon. Mauvais, the officer Yangpang promised to let him have the rest of the pay, immediately on his starting for Nankin.

Burgevine flatly refused to do any such thing, and also said he would throw up his Commission, Yangpang began to reason with him, but he left him, in a passion. He then went to Sungkiang, and brought back with him, some of his armed men, with whom he entered the dwelling of the said Yangpang at Shanghai, made a violent assault on the latter, striking him on the forehead, nose and cheek, causing him thereby to expectorate blood without ceasing, and finally seized with force upon treasure found in Yangpang's house, amounting to more than $40,000, which money was designed to be paid to the troops.

All these facts I have been apprised of, by the above mentioned Prefect of Sungkiang, who also petitioned

me

me that I would arrest Bungeine, to punish him according to the law. Moreover, I am informed that Tsantai Wu, and officer Yangfung requested Genl. Shavely to remonstrate with Bungeine on his conduct, and that the Genl. and Consul Medhurst told them that they did inform Bungeine that he must at once resign his command, and wait until his case should be decided by the Chinese Authorities. Now it appears to me that Bungeine, being in the Chinese service, and having also obtained an official rank (3d degree) from the Chinese Govmt and hence, became a Chinese subject, having now offended against law, he ought, of course, to be dealt with according to the laws of China. Thus far, the statement of Governor Li. Perhaps King finds that Bungeine had originally a command in the "Ever Conquering Legion", under the authority of Ward. As to Ward himself, it is well known how generously the Chinese Govmt rewarded him for his exertions and merits. He was raised to the rank of General, and when he died of the wounds received in battle, the Governor of Kiangsu, at once informed his Imperial Majesty of it. His Majesty graciously conferred upon him great honors (posthumous) and in addition, eulogized

displayed him in a manner highly conducive to his glory (Wanda's). Now, Bungeree being already an officer in Wanda's army, was, on the death of the latter, put in command over the troops. He has already been raised to the 3d degree. This being the case, he ought, of course, to treat them in the manner he has been treated, be ready to act, whenever his services are required, and be obedient to orders.

But, instead of all this, he first refused to obey the order given him, to proceed to Nanking; then made an outrageous attack on a fourth rank officer and finally seized with force upon $40,000. The Prince is of the opinion that Bungeree, being now a Chinese subject, and having offended against the laws of this country, certainly ought to be arrested and punished, in accordance with the laws of China. If this should not be the case, then there could be no impartial application of the laws, both of foreign countries, and of this Government. He has therefore, already transmitted an order to the Governor of Kiang-su, Liek, to manage, in one way or another, to have Bungeree arrested, and then proceed with him, according to law. The Prince communicates this to Your Excellency and begs that you would

would instruct the American Consul in Shanghai,
to lend his aid in the arrest of the said Burgevine,
so that he might be brought under punishment.

A Communication to His Excellency, the Hon.ble
Anson Burlingame, Minister Plenipotentiary and
Envoy Extraordinary of the U.S. of America to China.

The 7.th of the 12.th moon, in the 1.st year of the reign
of Tung Chi (January 25.th 1863)

B.

To Prince Kung, Chief Secretary for foreign
affairs &c.

Sir,

I have the honor to state in reference to the
Communication of Your Imperial Highness of the
7.th of the 12.th moon, that I have just received by mail,
the facts in relation to Burgevine as stated by many
witnesses at Shanghai, and that Your Highness
may have them I send herewith a full translation
of them and beg to say that I find a variance from
the statement made to you by Governor Li and so
great is that variance that I regret that your
Highness did not, before sending to arrest Burgevine,
wait to hear from him. Ward the man who has
built up Wards force by his organizing ability
who had fought in all the battles with that

force

force with success and who had been many times previously wounded in the Chinese Service was entitled to less summary treatment. As a friend of the Chinese Government, desiring to see the rebellion put down and Ward's force kept together, I recommended Burgevine. As the English had Osborn on the sea, I thought it was fair to keep an American at the head of the Ever Conquering Legion on the land - not to antagonise the English for we are friends and have a common interest in your prosperity. Indeed Sir James Hope was the first to recommend Burgevine, and Mr Bowes has informed me that he approves of that recommendation. I deeply regret that any thing should have occurred to destroy an hopes. Though I disclaim any right to interfere in your affairs, still you will not take it unkind of a friend, if I express the hope that even yet the difficulty with Burgevine may be arranged and a brave, and I believe honest officer retained in the Chinese Service. By all the testimony his affair with Takee was his only fault, and but for that fault, the Chinese force would have dissolved. At that time since, Burgevine seized Tael 13.000 worth of contraband Arms from one of my own consignmen for the Chinese Government, and when the case was appealed to me I at once decided that the arms rightfully belonged

4

to the Chinese Government by confiscation.

Touching the question of punishment, I have looked carefully over the Treaty and find that he cannot be punished except by his own Consul and according to the laws of the United States. If he has committed any offence, he will certainly be punished by his Consul. Your Highness must see that the doctrine claimed by ——— Governor Le would drive every foreigner from your country both to the Eastern Hemisphere and Germany and would make it impossible for us to visit each other as we are now desiring.

I have &c.

(Sd) Anson Burlingame

&c. &c. &c.

Peking, 2d April 1863.

Sir,

Some time since Your Impl. Highness addressed me a dispatch on the steps taken by Chinese Authorities at Shanghai with respect to Genl. Burgevine. Altho' it is not my duty to take any part in the discussion as that office is not English, still the great interest I take in the defence of Shanghai and in the pacification of the country and a desire to afford to Your Impl. Highness, reliable information led me to inquire minutely into the facts. I have now the honor to state the conclusions at which I have arrived on evidence that-

The Imperial Highness -
The Prince Kung -
&c. &c. &c.

that is complete and satisfactory. Putting aside the circumstances and details which do not eminently affect the case the charges of impalance against Genl Bingsins are reduced to two. 1st That in spite of his orders, he did not really undertake the expedition to Nanking. 2d That he forcibly carried off money from Takee and violently assaulted him. On the first head, I have to state that I have the evidence of Capt Holland to prove that the Chinese Authorities were in error in thinking that Genl Bingsins was hanging back. Lieut.

The English military and naval officers had objected to the expedition on the ground that Bingsins troops were not strong enough to attack the place with hopes of success. But Bingsins opinion was different and they had yielded to his representations and were furnishing him with the necessary military supplies, when the unfortunate misunderstanding took place which stopped the expedition with its hope of success. Unfortunately the Chinese Authorities are not acquainted with the wants of troops that have to move with artillery and stores and no doubt they thought there was waste of time, when in fact there was only an unavoidable delay. On the 2d point I have seen the letter from Takee to Genl Bingsins, informing him that the money was ready for the payment of the troops and asking him to send men to receive it.

I have

I have the evidence of Capt^n Holland and others, that the troops whose pay was a month in arrear and who received no rations were mutinous and would have proceeded to acts of violence, had Burgevine not pledged his word that the money should be paid. I have the evidence of the witnesses who were present that the money was not taken forcibly but was paid voluntarily. It was afterwards that Takee applied terms of abuse to Genl Burgevine so great and disgraceful that the latter lost his temper and struck him. The General regrets that he did so, but the person to blame was Takee whose conduct indeed in the whole transaction was disgraceful and who has done great injury to the Imperial cause. In conclusion I can state that I have formed a high opinion of Genl Burgevine's qualification for the post he occupies. He is brave, honest, conciliatory in his manner, and is sincerely desirous of serving the Chinese Government as he looks upon this country as his home. His appointment excites no jealousy such as will probably arise, should any other officer put in his place and as he must look exclusively to the Chinese Government for his reward. Your Sup^l Highness may depend upon it that you will find in him a sincere disposition to carry out his instructions as far as according to his military knowledge he thinks them practicable and safe.

I have &c

(sd) W. A. Bruce.

D

Legation of the United States,
Peking, 1863.

Sir.

I have examined carefully the evidence in relation to General Burgevine, most of which has been submitted to Your Imperial Highness and have arrived at the conclusion 1st that he did all he could to go to Nanking and was on the point of leaving, when the unfortunate difficulty with Takee occurred. 2d the trouble with Takee sprung from a misunderstanding between the General and Takee after the money had been delivered. Now as to the 1st point, it must be admitted that no blame attaches to Genl Burgevine, as to the 2d he was in fault for striking Takee, for which fault, he tenders his regret and makes an apology. General Burgevine has been nearly three years in the Chinese service, he has been wounded seven times, he has never been charged with any fault and therefore he has fought in nearly one hundred battles, has never been beaten.

Ward's force has been largely organized by him, he has grown up with it and he knows how to get on with the men, without him there is danger that it will be lost to the Imperial Government. Indeed it has already suffered disasters when not led by him. I know Genl Burgevine to be a friend of the Chinese and their Government and that he intends to remain in their service as long as he is permitted to do so with honor. Now in view of these things and as we consider friends

To Prince Kung.
Chief Secty &c &c

S

of the Imperial Government, desirous of seeing the rebels put down, and order restored, and knowing the friendship of Your Imp.l Highness for my country, I have to request that Gen.l Burgevine shall be restored to the command of the "Ever Conquering Legion". I fully recognize that the force Gen.l Burgevine is to command, is a Chinese force, and subject in its general direction, to the authority Your Imp.l Highness shall indicate. I can inform Your Imp.l Highness that the English and Russian Ministers are equally desirous with myself, that Gen.l Burgevine shall be restored to his old Command, and that they will co-operate with me in lending him and his force, such countenance as may not be inconsistent with their obligations. I pledge myself that Gen.l Burgevine will do all he can to make things go smoothly and to aid the Government in suppressing the Rebellion.

I have &c

(Sd) Anson Burlingame.

E.

Prince Kung, chief Secretary for foreign affairs, communicates a reply. On the 18th of the present moon (April 5th) I had the honor to receive a Communication from Your Excellency, in which Your Ex.cy states that Burgevine's trouble with Taku occurred after he many had been delivered, that no blame can be attached to Burgevine for not going to Nankin but that he was in fault in striking Takee, for which he also tendered his

regret

upset and is ready to make an apology. Your Ex.y also requests that Bungsing should be restored to the Command of "the Conquering Legion", which your Ex.y says is equally the desire of the British and Russian Ministers, and furthermore, Your Ex.y pledges himself that Bungsing will do all he can to make things go smooth and to aid the Governor in suppressing the rebellion. On former occasion, I had the honor to receive a despatch from Your Ex.y in which reference to the same subject, in which Your Ex.y states that it was you who recommended Bungsing and you express a hope that such a brave and honest officer will be retained in the Chinese service; moreover, that Admiral Hope also recommended Bungsing, I carefully examined these statements and communicated a reply. But this Bungsing having committed an assault upon Yakee, if he had been a Chinese, he would long since have been apprehended and severely punished without any allowance being made, but the Governor of Kiangsu taking into consideration the fact of his being a foreigner and not knowing (Chinese) manners, has therefore simply petitioned the Imperial Government to have him dismissed the service, to have his case examined into and decided according to what is right. Furthermore, the Tsungtaé Mr. Yakee having gone security for Bungsing, were immediately after the occurrence of the difficulty degraded and a fine of many dollars imposed upon them to the amount cost [through the difficulty]

difficulty / Now the individual who had gone exciting and been moreover the assaulted party was thus summarily punished, how then could Burgevine, who was the author of this whole trouble be supposed to be let off altogether? And yet without awaiting for the decision of the Governor of Kiangsu, he came up to the Capital, which conduct of his not only rendered it impossible to decide impartially as to who is right and who wrong, but is also altogether contrary to right principles.

However, since your Ex.cy explicitly states that you fully recognize the force Burgevine is to Command as a Chinese force and subject to its general directions and since Your Ex.cy moreover guarantees that Burgevine will do all he can to make things go smooth and that he desires to apologize - in short, since he repents and Your Ex.cy vouches for him, it looks as if in the future no such acts will be repeated by Burgevine.

However, Governor Li has the Command of that Department / Kiangsu /, he is the highest civil & military authority there, he also exercises the power of punishing or rewarding officers if therefore, Burgevine on returning to Shanghai should indeed express his regret for what he has done and promise in all things to obey the Governor in the future, and so may commit anything unprincipled, I believe that

Governor

Governor Li will certainly settle the matter in a special manner. As to restoring to Burgevine his former rank I beg to state that in China if any officer, civil or military, happens to be degraded and if still desirous to serve, must first exert himself to accomplish something extraordinary, then his former delinquency is pardoned and his rank restored to him. Should Burgevine as being employed again indeed succeed to annihilate rebels, and retake many places, then his rank will be restored to him. If not, then of course the laws of China could not be disregarded in favor of Burgevine and thereby afford to the military force of the country matter to ~~and to~~ complain of and give occasion to them to imitate a bad example.

A Communication to His Ex.y The Hon.ble A. Burlingame, Minister. &c. &c. &c. The 22.d day of the 2.d moon in the 2.d year of the reign of Tung chi (April 9.th 1863.)

Ti

Soo-ma Kung, Chief Secretary &c. &c. makes a Communication. Burgevine having robbed public money & committed an act of rebellion an officer, ought according to laws to have been arrested and punished. Your Ex.y has many dispatches with reference to this case. In them you strongly expressed yourself to the effect that Burgevine repented and that he would certainly reform. You also transmitted a copy of statement made in

his

his favor by the officers of the "Ever Conquering Legion". Hence I saw my part, seeing that Burgevine was willing to repent, and that Your Ex.y vouched for him in such strong terms, thought that there were no empty words, and therefore afforded him an opportunity to reform and make amends for his past conduct, and ordered him to return to Shanghai and wait for the orders of the Governor of Ningpo. But now a dispatch has been received from the said Governor, in which he states that since Burgevine committed the outrages, both natives and foreigners have regarded him as a bad man, and were alarmed at hearing that he was returning to Shanghai and intending to take again the Command of the force; that since Burgevine returned to Shanghai, he in conjunction with the petty officers, who had been dismissed the service were circulating false reports to which no stop could be put, thereby increasing the alarm and uneasiness already entertained; that the officers of the whole force presented a petition to him (the Governor) in which they state, that just when everything was made ready to start on a military expedition, the officers both native and foreign, hearing that Burgevine was coming back to take the Command of the force, became suspicious and distressed, showing hesitation and an unwillingness to proceed, all which may prove an impediment to the prosecution of the war, in short, the question whether Burgevine

should

should again be employed or not, involves the question whether the public interest should be injured or not; and they (the officers) begged that the affairs should be examined into and settled. Thus far the Governor's statement. Now I find that the offence committed by Burgevine is of a very grave character indeed. In China there is no such principle by which men or officers guilty of such an act, could escape the punishment provided by law. The reason why I for a time made allowance in Burgevine's case and ordered him to go back to Shanghai, was simply because Your Ex. so strongly interceded for him, and vouched for his good conduct. But now according to the statement of the Governor of Kiangsu, it appears that both the Chinese and foreign officers (of the force) are not willing to submit (to the arrangement of having Burgevine restored to the command) and hence it is apparent that the alledged statements of the officers formerly transmitted by Your Ex. are all false and spurious, fraudulently gotten up by Burgevine, hoping that he could thereby be able to ward off the punishment due to him and be restored to the Command of the troops. I have moreover heard, the reason why he came to this place the first time, was because whilst in Shanghai, he had handed in fraudulent accounts of debts, the bills being found

to

to amount to more greater than was thought he had really spent was of course repudiated by the authorities at Shanghai. Seeing that he was baffled in his schemes he proceeded to the Capital, intending to make false accusations. From this it is manifest that also his insatiable cupidity well harmonizes with the character of a villian. Being deceived by him, Your Ex.y took up his part, defended him and vouched for his conduct, but now, seeing that both the native and foreign officers are suspicious (of him) the case then seems to be that he misleading you, you misled me. I am now informed that he has arrived at Tientsin without a passport, and intends to come hither again. Truly thus coming and going just according to his own pleasure regardless of all law and order, is unprincipled to the very extreme. I have therefore instructed His Ex.y the Commissioner of Trade at the three ports to arrest Bingham and at once deliver him over that he might be punished according to the laws of China. In the case however he should pass through Tientsin and secretly arrive at this Capital, I expect that Your Ex.y will hand him over to the Foreign office, so that he might be punished in a manner we should think proper. Such individuals as he are greatly injuring the reputation of Your Country. I therefore suppose that Your Ex.y will no more be indulgent to him.

A.

A Communication to His Excy the Honble Anson Burlingame
&c &c &c The 22d day of the 3d month in the 2d year of
the reign of Tung Chih (May 9th 1863)

Legation of the U. States,
Peking, June. 1st 1863.

To Prince Kung, Chief Secretary for Foreign affairs.

I have the honor to inform Your Impl Highness that I have
not claimed nor shall I, at any future time, claim the right
to have Genl Burgevine employed by the Chinese Government;
while such employment, in my opinion, would be but the
full measure of justice due him for his honorable service.

But while I disclaim this right, it is my right, and
duty, to see to it that he shall not be injured by unproper
charges against his character. The reputation of an
American citizen is worth more to him than life. The
following charges have been made against Genl Burgevine.
1st That he robbed public Money. 2d That he presented a
spurious memorial. 3d That his accounts were false
and 4th That he improperly disobeyed orders. As these
charges have not been sustained by proof, but on the con-
trary have been found upon investigation to be untrue,
I must insist in the most respectful but positive manner
upon their withdrawal. I have &c

(Sd) Anson Burlingame

A.

Prince Kung, Chief Secretary for foreign affairs makes a Communication. I have the honor to receive Your Ex.cy's last dispatch with reference to the Bungsing affair. In answer allow me to state that I find that of all the charges brought against Bungsing, the most serious is that of his disobeying orders. And the reason is because the rebels at Nanking, having heard that the Chinese Government had ordered the "Ever Conquering Legion" to proceed to attack Newfuchow, they many troops at the said place, intending to oppose the forces sent against it; having afterwards been informed that Bungsing disregarded orders, that for more than two months he was delaying and finally refused to proceed, they at once attacked and succeeded to capture Pakow, Kiangpu, Hochow and Hanchow and the result was that some hundreds of thousands of Chinese subjects were miserably destroyed. Now the troops Commanded by Bungsing did cost the Chinese Government some millions of Taels and then caused by such misconduct several hundred thousand Chinese to perish. This is an offence which can by no means be excused. Again it was Tseng who first recommended and sent secret for Bungsing and moreover supported and assisted him with money for some years. His conduct then towards Bungsing was certainly very generous and liberal. Notwithstanding all this, the latter made a violent assault upon him in his own residence, and inflicted injuries upon his body. This is an

another offence which cannot be excused. As to the other accusations brought against Burgevine, allow me to express my opinion that in the case of any charges and accusations brought against an individual, if he be indeed innocent, although not a single word should be spoken towards the clearing of such charges, his innocence must in the course of time manifest itself as a matter of course. This is an established principle. And since Your Ex.cy in explicitly assures, that you will not compel (the Chinese Government) to employ Burgevine again, it follows that by not discussing these points again, his reputation will by no means suffer any injury.

Your Ex.cy also mentions the fact that Burgevine served the Chinese Govt. for some years. I beg to state that with reference to this point that when Burgevine served the Chinese Govt., the Chinese Govt. amply rewarded him for his service and this more than on one occasion. Twice he was promoted by Imp.l decrees &c. He did therefore long since receive benefits fully adequated to his service. On the whole there ought to be no distinction made between a Chinese and a foreigner. Allow me to ask a question: Suppose a military officer in the service and pay of the U.S. should disobey the orders of his superiors and cause thereby some failure or disaster, what according to the laws of foreign countries would be

he his punishment? Once more, Burgevine did really and voluntarily have in a petition to be allowed to become a Chinese subject. The paper with his personal signature can if necessary be produced as evidence.

And since he did this became a Chinese subject, he ought to have been dealt with according to the laws of China. However since Your Ex^y has so many times interceded for him, I shall not insist upon this point. I am now waiting for an Imp^l decree to have Burgevine expunged from among the number of Chinese subjects and then I expect Your Ex^y will order him to go to America and there be dealt with according to the laws of your Country.

A Communication to His Ex^y Hon: Anson Burlingame &c &c &c 25th day of the 4th moon in the 2d year of the reign of Tung Chi. (June 11th 1863)

I

Legation of the U. States

Peking, June 15th 1863.

To Prince Kung, H^s H^s

I have the honor to inform Your Imp^l Highness that your Communication in relation to Gen^l Burgevine is entirely unsatisfactory. After all that has been said, and written, and the promises verbally made to me, and the friendly relations existing between our two nations it

it is not what I had a right to expect. But I cannot enter further into the discussion of the subject, and wish to inform Your Impl. Highness that if the charges stated in my last dispatch are not withdrawn within two days, I shall take it for granted that the Impl. Government refuses to withdraw them and shall feel at liberty to take such action as the case may require.

I have &c

(Sd) A. Burlingame

J.

Seward Secy, &c. &c herewith replies upon business.

On the 16th Inst, I received Your Ex.y Communication in which you remark respecting the case of Gen.l Burlingame "that the whole subject having been fully discussed between us, I now desire that all the several charges made against him, by those who have falsely accused him, shall be entirely withdrawn in a dispatch to me. &c &c." In my former communication I only said that Gen.l Burlingame, being in the employ of the Imperial Govt, had seriously interfered with and misled the operations of the army in the attack on Yangtsang; the other (charges) of his having seized the public moneys and robbed the Govt treasury are entirely cleared and no longer alledged against him. In the dispatch under reply, Your Ex.y observes, in regard to the question

of

of employing him further, that you do not wish to press it; and that on this point there need be no dispute between us or dissatisfaction felt. Consequently, I need not discuss this point any more and therefore all the charges made against him are entirely obliterated and withdrawn and the whole matter is thereafter finished. It is for this purpose that I write and submit it to Your Excellency.

To His Excellency Anson Burlingame.

18th June 1863. (or Tung Chi, 2d year, 5th moon, 3d day.)

K.

Legation of the U. States,
Peking, June 19th 1863.

To Prince Kung, Secretary in Chief for Foreign affairs.

I hasten to acknowledge the receipt of Your Imperial Highness' dispatch of yesterday date, and to express my satisfaction at the manner in which you have settled the question in dispute between us. It is by acting thus in a spirit of fairness and justice that the amicable relations between our two countries are to be strengthened and perpetual peace maintained.

I have &c.

(Sd) Anson Burlingame.

No 45. Rec'd 23d Sept. Mr Seward

Acknowledged Sept 24th No 44

Legation of the United States.

Peking, June 25th 1863.

Sir,

I have the honor to inform you that I received a letter asking that a new Gate might be opened in the walls of the city of Shanghai from Mr Cunningham, of which the following is an extract

"You will observe on the plan that there is a piece of open ground, running from the French gate to the proposed new gate. This is the nearest unoccupied ground to the river and instead of being highly useful, by giving room to Chinese engaged in trade, is now a series of green and stagnant ponds, receptacles of filth, and breeding disease.

The city has become closely packed with peoples, particularly that quarter nearest the river. The suburb, near the French Concession, is also peopled densely and more space is greatly required. Here is a piece of ground, capable of being of the greatest convenience to a multitude, worse than useless! simply breeding disease. Further, the houses in that quarter being of a mean class and of poor construction, it would be exceedingly feasible to open a street direct to the heart of the city of 20 feet wide, thus opening an avenue for air and health which would be invaluable, while, as already stated, it would give the Chinese authorities a direct and dignified access to the foreign settlement. Besides, there

Cannot

Hon'ble Wm H. Seward.

Secretary of State.

cannot be a question of it being a great public improvement. No one would gainsay it. There is now but the little East Gate, to serve for the egress and ingress of the whole mass of people living in that closely packed quarter of the city. The crowd is so dense at it, that one can scarcely move.

Being the quarter nearest the river, it is the most important and consequently most crowded.

This new gate would be better placed south than the Little East Gate. Opposite to it, the space to the River Bank is narrowest, and it would immediately become the main thoroughfare out of the city. Added to all these reasons, the occupation of the land and the opening of a handsome street would add materially to the revenue of the city, a reason likely to have much weight just now with the Chinese authorities. The ground upon which I apply, is that of health to the foreign settlement & especially to that particular quarter. There is no means of draining except by a new gate. If Sir Rutherford can be induced to make the inquiry of the Taotai's here, he will certainly have very favorable answers, for no one can look at the place without being struck with the importance of the

proposition

proposition.

Yais very Truly
(12) Edw Cunningham.

I immediately represented these views to the Chinese authorities, who made reply that they would instruct the local authorities to have, if they thought best, these improvements made and permitted me to inform Mr Cunningham of their intentions. I at once addressed to Mr Cunningham the letter mark-ed A.

I have the honor to be.
Sir,
Your obedt Servant,
Anson Burlingame.

A

Peking March 25th 1863.

Sir,

I have the honor to inform you that immediately upon the receipt of your humane suggestions to improve the sanitary condition of Shanghai, by the construction of a new gate and the drainage of stagnant waters from before the city, I applied to the authorities at Peking and requested that they would urge upon the local authorities of Shanghai as to the necessity for these improvements, and if the Chinese denied, to permit them to be made. I was at once informed that instructions would be sent to the local authorities to have the improvements made if they thought best.

I asked them if I should make known to you these instructions. They said yes. I accordingly inform you of the same and express the gratification I feel in being able to do something for the health of the people of Shanghai.

I have &c.

(Sd) Anson Burlingame.

Edward Cunningham Esq

No 46

Rec'd 23d Sept. Mr Seward

Mutual Privilege

Dis No 44

Legation of the United States,

Peking, June, 26th 1863.

Sir,

I am most happy to inform you that the Imperial Government in response to my request for an extension of time, in which to export native produce, from three to twelve months, has most handsomely met my wishes.

This change will do much for the trade of all nations, and puts us under many obligations to the Chinese. You will find the Correspondence attached marked A. B. & C.

I have the honor to be,

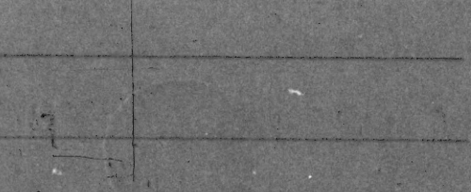
Sir,

Your obedt Servant,

Anson Burlingame

Honorable Wm H. Seward

Secretary of States



A.

Legation of the United States,
Peking, April 16th 1863.

To Prince Kung, Chief Secretary for Foreign affairs.

I have the honor to inform your Imperial Highness that that portion of the Tariff Treaty Regulations which requires native produce to be exported within three months, if the Merchants would receive the coast trade duty charged at the River-port, has been found to work a great hardship both to Chinese and Foreigners, and I most respectfully request that the time may be extended to twelve months.

If it is not done, the Merchants in Shanghai will be compelled to open large establishments in the interior, thus overthrowing the business arrangements of the Chinese and creating fresh sources of trouble. Now the Chinese hesitate about sending goods to Shanghai for sale, because if by any chance cause sales are delayed for three months, they will lose the coast trade duty. Indeed it has been found impossible to sell goods within the three months allowed. Thus this rule is a positive hindrance to commerce and deprives the Imperial Government of those revenues it would otherwise receive from a larger

sale

sale of Produce. The change I ask would not hurt anybody but would help everybody.

I therefore feel confident Your Imperial Highness will hasten to relieve Commerce from the burden put upon it by that rule.

I have &c

(Sd) Anson Burlingame.

B.

His Impl. Highness Prince Kung, Chief Secretary of the Chinese Government for foreign affairs, herewith replies.

I have the honor to acknowledge a Communication from Your Excellency, in which You state that the drawback certificates for half duty on goods stored for reexport should not be limited to three months - a period much too short - but ought to be extended to a full year. It appears that the Merchants who bring native produce down the Yangtsze Kiang to Shanghai, pay full tariff export duty when it leaves its original port, and half duty when to be reexported to another port. Such produce being duly reported to the Customs, when the merchant wishes to send it out of port, pays half duty; and if

it is

it is within three months, he can re-enter it at another port on presentation of the drawback certificate, which is received as valid for the duty.

Now, since that, in the dispatch under reply, your Excellency observes that the time for three months, allowed in the drawback certificates during which this produce must be re-exported, must be regarded as much too short, I have extended the limit to a year. Therefore, after this date, whenever produce brought down the Yangtsze to Shanghai has been reported to the Customs for re-exportation at any time within a year, they shall, on ascertaining that the goods are in their original packages, neither broken open nor abstracted from, and their number and weight correct, and all particulars tally with the original report, grant a drawback certificate for half duty to be substituted for the former certificate, and delivered to the holder of the goods as evidence of the duty having been paid.

I shall inform the Superintendent of Commerce respecting this regulation, and instruct him to send orders to the Customs officers for them to act accordingly; and I now likewise send this reply to your Excellency, requesting that you will inform yourself upon the whole subject. To

To H. Excellency Anson Burlingame, &c &c

June 25th 1863.

6

Legation of the U. States.

Peking, June 26th 1863.

Sir,

Permit me to thank your Imperial Highness most cordially for extending the time in which to export native produce from three months to one year.

The change will do much to facilitate trade, and to strengthen the friendly relations already existing between our two countries.

I have &c

(Sd) Anson Burlingame.

To H. I. H. Prince Kung.

Chief Secretary of Foreign Affairs.

China = (B) = 1

No 47

Recd 23d Sept. Mr Seward

Communicated by Genl Cass

Legation of the United States
Peking, July, 2d 1863.

China (2)

Sir,

I have the honor to send you the correspondence between Prince Wittgenstein and myself in relation to a waiver of the time now little more than four years, within which by existing treaty a Prussian Minister cannot reside permanently at Peking.

The Prussians, having at present an increasing commerce in China, are desirous of sending at once a Minister to Peking. This would facilitate all negotiations in relation to that commerce both with the Chinese and the foreign Treaty powers. In view of the advantage, to flow from a relaxation of the treaty in this respect, my colleagues, and myself, by way of friendly suggestion, consented to make a statement of them. To me, the members of the Government stated that while they were willing, personally, to grant the request of Prince Wittgenstein, still if they did so, the anti foreign party would accuse them of granting more than was required by the letter of the treaty and they did

Hon'ble Wm H. Seward
Secretary of State.

did not wish to Complicate themselves with new troubles but they did not positively refuse to grant the request.

Of Course I did not press them, for I sympathize with them in their difficulties. In reply to Prince Nittgenstein's question as to whether he had better press them for a distinct declaration on the subject, I advised him to leave the negotiations where they were, so that at some future time the other Ministers and myself might present the request under more favorable auspices.

In this view my Colleagues Concur and the Prince has decided to leave the question in our hands.

I have the honor to be,
Sir,
Your obedt. Servant,
Anson Burlingame

P.King. June 30th 1863.

Sir,

Allow me before I proceed to solicit another favor, to express to Your Excellency my very sincere thanks for the very effectual and friendly efforts you have been pleased to make at my request for the purposing of obtaining from the Chinese Government a declaration in regard to the permanent establishment of the Russian Legation at P.King. Although I have been for some time quite determined to elicit such a declaration even at the risk of being an unfavorable one, I must desire however, before I take a definite step in the matter, to know as exactly as possible, the chances on both sides, and I should under these circumstances feel extremely obliged to you if you would be so kind as to inform me how the representations you caused Dr. Williams to make to the Chinese Government, in your name, and on my behalf, have not met and also whether you have received a Memorandum in reply to that which you drew up and had presented to the Chinese Government.

Of that memorandum I should at all events be most happy to possess a copy. Pardon me for

Your Excellency

The Hon.ble A. Burlingame

Envoy Extraordinary & Minister Plenipotentiary

of the U.S. of America. P.King.

for thus troubling you once more but allow me to say that I shall feel sincerely obliged to you for the answer to this communication, with which I trust you will favor me, and for the advice in regard to my future proceedings with which I beg you will accompany it. If this advice should happen to be absolutely adverse to the definite step which I had, as above mentioned, contemplated, and if you should be of opinion that by taking it I might not only incur a flat refusal but even endanger the success of new negotiations in regard to this question possibly to be tried hereafter, I beg your Excellency would be good enough not to withhold that opinion from me.

I have the honor to be &c

(sd) Fredrik Prince of Wittgenstein.

Legation of the United States,
Peking, July 1st 1863.

Sir,

I have the honor to acknowledge the receipt of your very kind dispatch of June 30th in which you desire to know what are the chances of securing a declaration from the Chinese Government in favor of a permanent Prussian Legation at Peking, and whether I think it advisable to elicit at once a declaration on the subject even at the risk of it being unfavorable. With regard to the first branch of your inquiry, I have to say, that from several interviews with the Chinese on your behalf, I have learned from them, that, while personally the members of the Government would have no objection to waive the time stated in the treaty, for the advent of a Prussian Minister into Peking, they are so much subject to forms, and fear so much, the criticisms of the anti foreign party, that they shrink from any declaration on the subject.

I think if they were pressed for a declaration now, it would be in the negative. And this brings me to the 2d branch of your inquiry as to whether I think such a step as you had intended

Prince Fedrick Sayn de Wittgenstein. ad-

advisable - I answered most unhesitatingly that I think it would not be advisable - For would thus close the door to that success for which your admirable diplomacy has prepared the way. If you leave the question where it is, I feel confident that in a short time, the Chinese themselves will concur with my colleagues and myself, in the propriety of anticipating the time for the permanent residence of a Prussian Minister at Peking.

I have not yet received any answer to the memorandums you mention but will hasten to inform you if any shall arrive. I will be happy also to place in your hands a copy of it as soon as it can be prepared.

Complimenting you for the manner in which you have thus far conducted your negotiations and proffering my services, for any future efforts you may desire to make. I have the honor to be with the highest Considerations.

Sir,

Your most obedient Servant,

(sd) Anson Burlingame -

No 48. Begun

Rec'd 8. Oct Mr Charles

Acknowledged
with satisfaction
per post of Oct 8
to Count Perov

Legation of the
United States
Peking July 10th 1863.

Sir

I am happy to inform you that H. E. Col. Raasloff will to day at one o'clock sign a most favorable treaty, which after three months of earnest negotiation he has succeeded in concluding with the Chinese Government. It is due Col Raasloff to say that he owes this treaty solely to his personal influence with the foreign Legations, which all warmly supported him. It was decided by the Chinese, that the treaty recently concluded with the Belgians, should be tendered to him on the coast or at Tientsin and that he should have nothing more. The Col. penetrating this design, determined to come at once to Peking and without a passport. End

Hon Wm H. Seward
Secretary of State for

for if he requested me he was certain to be stopped at Tientsin. He found my invitation at Tientsin, which gave him a kind of right to come up as my guest. The incident I mentioned in a former despatch, when he lost his way, and was taken to the foreign office and my accidental meeting of him there and settling the affair, was he thinks largely productive of his subsequent success.

The treaty is substantially the British treaty with this advantage for us all - that those changes which have been yielded to our solicitations, from time to time since that treaty was signed, have been placed in this, and are therefore not liable to be changed.

Mr Wade of the British Legation acted for the Ld. and was much assisted by Mr Hart of the foreign Customs to whom the Chinese left the arrangement of the new clauses.

Art. XI.

Art. XI. mentions 16 ports as being open and among them Nanking, Kiukiang-Chinkiang and Hankow on the river Yang tze although the first named city is in the hands of the rebels. For the present the trade is carried on at these ports under river regulations to which the foreign Legations have agreed.

Articles XXVII and XLV. Contain stipulations for transit dues and the issue of Drawback Certificates, in case of re-exportation of foreign or Chinese merchandize coastwise or to foreign countries.

Art. XLIV. Declares the coasting trade of China open to foreign nations. No other treaty contains any such stipulations.

In the Tariff the clauses prohibiting the exportation of Beans Peas and Beancakes from Newchwang and from Pang-chow (Chefoo) is omitted and foreign nations are thus, by right, to participate in this impor

Cont

tants branch of the coasting trade.

It will appear from these changes how important the treaty is for us all. I addressed a letter to Mr Wood our Minister resident at Copenhagen in which I gave the Col. such credit as I thought was his due and I now write to you, that, I am sure, but for his patience tact and ability, there would have been no success. I hope you will impress upon the representative of Denmark, the importance of sending, at once, an agent to look after the interests of Denmark, as well as to strengthen our hands against the lawless of all nations.

I have the honor
to be
Sir
Your Obt. Servant
Anson Burlingame.

End

No. 49 Rec'd 19. Dec. M. Dec'd

Burlew

Legation of the United States,
Peking, Sept. 1st 1863

Sir,

I have at last succeeded in obtaining the vouchers for the contingent expenses of this Legation during the year 1862, and now forward them with my account to the Department. The peculiar position of this Legation, remote from the large commercial ports in China explains partly the delay which has taken place in forwarding this account. The mercantile Houses through whom the postage of the Legation is necessarily paid at those places, prefer to render annual statements of their outlay so that it has not been practicable to comply with the regulation of the Department to furnish quarterly accounts of the contingent expenses.

Out of the total expenditure of $435.60 given in this account, the sum of

Hon. William H. Seward
Secretary of State

Ans'd Oct 15 - Acct. Dec. 26/63

of $291.86 is for postage; but as many points connected with the extra expenses of this Legation require fuller explanations, I have thought it best to put them in a separate minute, to which I beg to refer.

I have the honor to be
Your Obedient Servant,
Anson Burlingame.

Rec'd 19. Oct. Mr Dennett

Please return this Des. to Dept. of State after general perusal.

Legation of the United States,
Peking, Sept. 1. 1863

Sir,

In connection with the annexed account of contingent expenses, I think it very desirable to make some statements of the position of this Legation which greatly increase the outlay for the purposes covered by this fund. The annual allowance made since it was regularly constituted under the treaty of Wanghia by the appointment of Mr Everett in 1846, has been $500, less the cost of exchange. At that time it was stationed at Canton near the postal dépôts and within easy communication of the consular ports; and the demands on the fund were comparatively small, and its amount adequate to supply them. But when the Ministers found it necessary to visit the consular ports in the absence of a national vessel, the fund was seen to be inadequate, and provision was made for their extra expenses by a special letter of credit on London of $10.000. A letter of this sort

To Hon. William H. Seward
Secretary of State.

sort was granted to Messrs M^r Lane, Parker, Reed and Ward, three of whom found it necessary to use part of the credit to enable them to carry out their mission.

In the Personal Instructions, the items of postage, stationery, necessary presents to menial attendants, and three newspapers, are those allowed under contingencies; but in this Legation, charges for public printing and necessary traveling expenses have appeared in the accounts of former years, and have been allowed in their settlement up to the limit of the fund. However, as early as 1849, when M^r Davis framed the rules for the United States Consular Courts, he was obliged, in order to publish them, to obtain a subscription from his countrymen beforehand. Still, the fact that small expenditures for printing have been allowed in the contingent accounts, only renders it more desirable to state the purposes and frequency of the demands made upon the Legation for printing. These are, Decrees and Notifications from the minister for the guidance and information of American citizens in

China;

China; advertising the appointment or changes of consuls at the ports in one of the newspapers; inserting in them communications received from the Chinese authorities relating to trade or intercourse, and which, being of a general nature, cannot otherwise be easily made known; or printing bi-lingual notices in English and Chinese of the nature of a permit or certificate.

Each of these descriptions of printing have been required from time to time, but none of them are exactly authorized by the "Instructions"; nor do the circumstances of any other Legation, so far as I know, require them. The publication of the U. S. Treaties and decrees last year, (of which a copy was sent to the Department) was undertaken at the risk of the Secretary of this Legation; though its cost has been defrayed by the subscriptions on the part of the Legation and sales to our fellow citizens. Still, the charges for printing & cost of the documents I have mentioned should not, I think, be borne by the minister or consul personally, any more than those for passports.

The outlay for traveling expenses on account

count of the public business forms a much larger item than printing. The Act of Congress allows the Minister to exercise his functions anywhere within the Empire; but the "Instructions" would not notice such an exception, when enumerating "messengers' fees" among the disallowed items; and I am not aware what has been the rule in respect to other Legations. Traveling expenses have appeared in former accounts for contingencies; and in fact it is impossible to avoid them and carry on the public business in this country. It seems to be proper that some provision or exception to the general rule should be made for China, where the scheme of an extraterritorial government over American citizens has been sketched and is gradually developing; and as it is the practice of the Government at home to defray the traveling expenses of its officers, something might be allowed in China, with suitable restrictions, for indispensible outlays under this head.

This Legation is now established in Peking, eighteen years after the arrival in the country of its first minister; and although it

is

is undoubtedly in the best position to exert an influence over the Chinese Government, still it is so far removed from the ports, and everything connected with intercommunication is so new, that the expenses are greatly increased. I was subjected to a heavy outlay last year in coming to Peking with my suite; and the cost of bringing up the archives and property of the Legation from Macao has been considerable this year. Neither of these expenditures could be avoided, and I now send you a certified copy of the bills for both occasions, made out with strict regard to what was actually and necessarily incurred for these purposes by myself and Mr. Williams. I submit them to the Department with the request that, at such time and manner as may be compatible with the public interest, I may be allowed to draw for the whole amount $1181.02 of both bills. Mr. Williams went down last year to the south of China at my desire to pack up and bring the archives, &c., to Peking. They had been stored in his house at Macao for the last seven years; and this outlay

will

will, of course, not again occur. The distance there and back is about 5000 miles, but the charges for travel and transportation are still much higher in China than in the United States.

I do not forget, in making these observations upon the need of furnishing this Legation with greater means for contingent expenses, or else permitting the Minister to present his account for such extra outlays as are indispensible, the present condition of our country; but there seems to have been no choice left me last year as to the necessity of coming to Peking in compliance with my instructions; and these expenditures have necessarily resulted, even with the utmost economy. In connection with them, it seemed desirable to explain my condition compared with former ministers, in order that you might have the means of deciding the application respecting these accounts, and also give directions respecting future similar extra calls.

I have the honor to be, Sir,
Your Obedient Servant,
Anson Burlingame,

Rec'd 19. Dec. Mr. Bensch

No. 20 Recd by 4th

Peking Sept. 9th 1863

Sir Please enter & send to Mr Bensch

I have the honor to forward a letter to you, from the Merchants of Shanghai in relation to the Consulate at that place. In connexion therewith I beg to refer you to despatch No. 25 in which I gave a list of the British Consular Staff at Shanghai with the cost of the same. With this information before you, you can judge how important it is that something should be done

I have the honor to be

Sir

Your Obt. Servant

Anson Burlingame.

Hon Wm H. Seward

Secretary of State

Washington

Shanghai, August 1. 1863

Sir,

The insufficiency of the consular appropriations for this important port, and the consequent embarrassment of the gentlemen who fill the office of United States' Consul, to maintain the respectability of the Government in the eyes of the Chinese, and the efficiency of the Consular laws against refractory citizens, have become so notorious, that we need make no apology for asking your attention to statements we propose to submit to you.

The consul for the United States to this port occupies a station of much consideration, and supports the weight of a heavy responsibility. He possesses not only the authority of the commercial consul, but that of an administrator of the law, to the American residents within his district. He has to uphold the dignity of the nation before a people accustomed to

judge

To the Honorable
The Secretary of State.
Washington

judge of position by outward circumstances, and in the presence of the representatives of other great powers which do give means to their consuls proportionate to their duties and position.

It would not, we think, be an unreasonable ground for asking from the Government of our country, a more liberal allowance for its consular establishment here if the matter of appearances alone were in question.

But above and beyond that, so great is the discrepancy between the means at the command of the Consul, and the business forced upon him by the business of his office, that the efficiency of its administration is seriously impaired, and the obligations of the United States under its treaty engagements, rendered impossible of fulfillment.

We beg to present to your notice the following facts in support of our assertions. The number of vessels entered at the Consulate during the year ending

ending June 30th was 973. In the year ending September 30. 1861. the following are the statistics of entries at other notable foreign ports with the consular salaries of each:-

At Liverpool,	1000 vessels.	$7500 salary
Havana	1070	"	$6000 "
Havre	323	"	$6000 "
Rio de Janeiro	320	"	$6000 "
London	288	"	$7500 "

At none of these has the Consul either diplomatic or legal functions. At this port, during the same year ending June 30th there were heard 101 civil causes and 166 criminal and police cases. Some of the former were of great importance, involving long sittings and anxious consideration, and always requiring the consul's personal attendance and attention. Still further, and added to these duties, are the unceasing requirements of his diplomatic correspondence. All communications from the Minister or the Government to the local authorities, pass thro' him. All the varied negotiations for the regulation

regulation of the foreign quarter, the government of the police, the control of the shipping, must be conducted by him. We have learned, on inquiry, that his correspondence in this department, consumes as much time as is usually given to office hours.

With regard to the staff necessary to perform efficiently the onerous duties of an office comprehending so many departments usually separated, a moments consideration shews that it must be large. To carry on the commercial business of a consulate, where over 970 vessels enter and depart in the year, with all the varied interests, entanglements and embarrassments brought with them; - to hold a court of justice for business averaging five trials each week, bringing in their train all the active duties and voluminous documents connected with arrests, commitments, attachments, arguiments, and appeals; - to do all this, and at the same time conduct a diplomatic correspond-

ence

ence with astute native officials, often-times of much material importance, all to be copied and reported to the Minister of the United States, would require, one would think, an office of many clerks of various grades of service, and premises of some pretension.

The Governments of Great Britain and France do hold this opinion. The English Consulate comprises no less than four separate houses, the main one being a building of imposing size and style. To assist him, the Consul has a vice-consul, an interpreter, two carefully educated assistants, and two Chinese writers on the regular staff, to which have of late been added, two European clerks. The jailer, constable, and policemen of the Consulate are fully supported by the special allowance for those functionaries. The salary of the Consul is £1500, with a house furnished by the Government.

We beg leave to contrast the position of the Consul of the United States. There are no United States Consular premises.

The

The late incumbent, Mr Smith, occupied rooms and had his office at a hotel, principally frequented by mercantile captains, whose front yard was adorned by two flagstaffs, one bearing the stars and stripes, the other the flag of the hotel! There was no separate entrance, and the hotel and the Consulate were one. Mr Consul Seward, on assuming office, immediately sought a more eligible position, but with the very limited means allowed by Government; the best he could do was to rent two rooms of a private house, insufficient in accommodation, but rendered respectable by a separate entrance, and a judicious arrangement of the grounds. But even for this makeshift, the allowance for rent is inadequate. For the jail he has been obliged to rent a building so ill calculated for the object that the escape of criminals has been a frequent occurrence; yet such as it is the

rent

rent is much below the market value of the lease for other purposes.

The result, therefore, in the matter of premises, is, that the Government allowance is insufficient to meet the rent of even contracted and unsuitable office quarters, leaving a deficiency to be paid for from the fees or the consul's salary. There is no provision whatever for the accommodation of himself or his assistants.

For this latter class, the consul of the United States is allowed, we understand, for an interpreter, the sum of $500 or £375 stg. No other assistant or clerk is provided. There is provision for a Marshal and for jail expenses to the extent of $1800 or £450; but as the Consul receives no aid from the government of the country in the arrest and imprisonment of offenders, he must depend wholly on his own resources; and thus the time of those officers is fully engaged by their peculiar duties. Moreover, their salaries being

unequal

unequal to the bare cost of living in this country, an allowance from the fees in addition is requisite — thus .. bringing a further burden upon the general pecuniary resources of the Consulate from that particular department. The aggregate official allowance is therefore really £370 stg.

It is not within the bounds of possibility that such services can be efficiently performed, or even performed at all, for such remuneration. Accordingly we find, on inquiry, that the Consul is compelled to assume the responsibility of going beyond the government allowances, even to maintain the Consulate in the unsatisfactory state in which it now exists.

Including his own salary, the whole allowance is the equivalent of £2200 stg. He expends close upon £4000, and even then uses a portion of his private means for purely public purposes. We have taken pains to learn these various details by inquiries

ries

ries at the Consulate, and their correctness is unimpeachable.

We venture to offer our opinion upon the allowances that are essential if the United States Government wishes its consular establishment here to correspond with the commercial interests of the nation in this part of the world, and with its pledges under the treaty. We claim to be well acquainted with the circumstances of the place, many of us being old residents, and we have well considered the suggestions we now take the liberty to make.

For the rent of suitable premises, not less than £2000 stg. is required. That sum could not secure to-day the necessary rooms, but looking forward to a decline in rents, we think it would on leases of ten years' duration. Such premises would include office-room, house room for the consul and his assistants, jail and court room, in a convenient part of the settlement. The consul's salary should be £1500 per annum, exclusive of rent. We speak advisedly in saying that to live as other foreigners live, and reciprocate the civilities

lities he receives, the consul must exercise economy to keep within the limits of that sum. His vice-consul should have £800 to £1000; his interpreter, £800; his two assistants, £500 each; the marshal, £300; and the jailor, £200; - the stipend of the assistants only placing them on a level, in point of income, with the clerks in mercantile houses. The appropriation for jail expenses, now £200, should be £300, to cover the actual outlay; and a further sum of £400 for two constables would make that department perfectly efficient. At less than this scale, competent and trustworthy men could not be obtained.

We are thus precise in our statements, because we believe that a letter expressed in general terms would have no practical end. It would leave the whole subject where it stood before, with only another remonstrance against the existing system, added to the many already filed in the Department. We have endeavored to state the actual needs for an economical administration here of the United States laws and policy. Having carefully avoided exaggeration, we are sure that our statements will

bear

bear the test of rigorous examination and inquiry. We are aware that it will be objected that to increase the allowance for this post from about £2200 to £3500. is to change altogether the character of the budget for China, since the like change must be made elsewhere if made here. Though this objection does not apply in its fullest extent, no other post having even an approach to the importance of this, it is nevertheless, in the main, well founded; and we accept it, if indeed it is an objection that such a change would be required.

We venture to think that it is not an objection, the evil results of a too economical system being conspicuous at the other ports as well as at this. It may be said that things have gone on well enough under the cheap system, and a change is therefore unnecessary. But we, who live upon the spot, see that things have not gone well. Nay, but for the responsibility assumed by the Consuls the Consulate would be closed, at this moment, to two thirds of the business that attaches to it. At any day, by the removal of the present public-spirited officer, and the accession

of

of one who looked only to exemption from responsibility, the affairs of the Consulate might be thrown into confusion, and its doors closed to everything but the bare business of the shipping. Even as it is, and with an expenditure of double the official allowance, we have shown that the Consul cannot maintain his establishment either in dignity or efficiency. The immunity enjoyed by American evil doers, the constant escapes from prison, when caught, of American prisoners, are matters of notoriety, and bring reflections upon our people and Government for their backwardness in performing the promises of their Treaty.

These remarks apply with more or less force to all the ports in China. The administration of the laws is weakened in all of them by want of means; and in all the Consul is obliged to struggle with pecuniary disabilities while endeavoring to perform the legitimate duties of his office. There is a measure of disgrace in the fact that the representatives of the United States are always worse lodged and worse served than

the

the representatives of its neighbors. There is, furthermore, gross injustice when its Consul is obliged, from his private means, not only to eke out the scanty allowance for himself, but even to provide for a part of his office expenses, as has been the case in Shanghai with M. Consul Seward.

If the system be reformed, an additional appropriation for all China of some £10,000 stg. would no doubt be required. This is the amount of the household expenses of many private Firms; and is certainly a small sum to furnish, when it is needed to carry out, as justice and dignity require, the engagements entered into by solemn Treaties.

We have the honor,

Sir,

To subscribe ourselves,

Your most Obedient Servants,

(Signed) Bull, Pardon & Co:
Olyphant & Co:
Augustine Heard & Co:
Russell & Co:
Fazar & Co:
Wheelock & Co:
N. Fogg & Co:

Tho.ˢ Hunt & Co.

Hawkins & Co.

H. K. Drake & Co.

P. J. Osborn & Co.

Wainwright & Co.

R. D. W. Davis

Allen & Co.

H. E. Stephenson

William J. Boone

C. L. Cunningham

pro pro Saml. C. Woodruff. J. Latta. DuBois

Albert L. Freeman

W. Scott Litz

F. E. Foster

C. Mistar Fellowes

Theo. H. Eckfeldt

Henry R. Gardner

J. Kearny Rodgers

J. P. Ellis

C. C. Sanders

Arthur O Gay

A. A. Hayes Jr

O. K. Gordon Jr

H. Seymour Geary

A B Buckley

Angel & Co.

T. A. Ives

T. W. Stillman

James H Crutchett

Todd & Co.

H. C. White

D. A. Spencer

Collyer & Lambert

George B Williams

A. F. Eastlack

John G Low